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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	No. 08 CR 888
Government,)	
)	Chicago, Illinois
vs.)	
)	June 2, 2011
ROD BLAGOJEVICH,)	
)	9:56 o'clock a.m.
Defendant.)	

VOLUME 26
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES B. ZAGEL
AND A JURY

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1 THE MARSHAL: All rise.

2 (The following proceedings were had in the
3 presence of the jury in open court:)

4 THE COURT: Please be seated.

5 You may proceed.

6 MR. GOLDSTEIN: Thank you, Your Honor.

7 ROD BLAGOJEVICH, DEFENDANT, PREVIOUSLY SWORN

8 DIRECT EXAMINATION (resumed)

9 BY MR. GOLDSTEIN:

10 q Rod, when we left off yesterday, tab 25. So if
11 you could turn to tab 25.

12 A Aaron, can I get the book?

13 q Sorry.

14 (Brief pause).

15 BY MR. GOLDSTEIN:

16 q If you turn to Page 5 -- before you get to
17 Page 5, what is the date and time of this call?

18 A It's November the 7th at 4:11 p.m.

19 q Who are the speakers?

20 A It's me, Fred Yang, John Harris and Mary Stewart
21 who will not stay on that call very long.

22 q Who is Mary Stewart again?

23 A Mary Stewart was my administrative assistant and
24 she would sometimes put these phone calls together.

25 So this looks like a conference call.

1 q Okay. And turn to Page 5, on line 2 you said:
2 "I said, so my record, the stuff I worked on,
3 and I care about all our kids getting
4 healthcare, 9 million American kids don't have
5 healthcare, this would be a place, you know,
6 that I would find work, you know, given up a
7 governor's job to do that."

8 Fred Yang says:

9 "Uh-huh."

10 You say:

11 And if I get that, and, and if, if that was
12 something available to me, and maybe it's
13 really unrealistic, but if that was available
14 to me, I could do Valerie Jarrett in a
15 heartbeat."

16 Now, when you were saying this, Rod, what
17 were you talking about to, Mr. Yang?

18 A I was just sharing with Fred a thought that was
19 evidently in my mind at that particular time dealing
20 with, again, all the different things that I felt we
21 did in healthcare for children in Illinois and being
22 able to play a role to replicate across America what
23 we did through the All Kids program in Illinois and
24 it sure would be nice to be able to be the Health
25 and Human Services Secretary. And if that was ever

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1 possible, and if Valerie Jarrett, you know, was
2 interested, theoretically I would do it in a
3 heartbeat. This is sort like if I could play center
4 field for the Cubs, I'd do that in a heartbeat, too.

:39AM

5 q Were you talking about your conversation with Tom
6 Balanoff on the 6th in this conversation?

7 A I don't believe I was.

8 q If you could look at Page 3, Rod, on the top
9 talking about Balanoff came back.

:39AM

10 A Yes.

11 q When you were talking about this, were you
12 talking about a conversation you had or was this a
13 thought in your mind?

:40AM

14 A It was a thought in my mind but it was evidently
15 triggered by just telling Fred what happened the day
16 -- telling him about the meeting with Balanoff the
17 afternoon before.

18 q Rod, did you tell Tom Balanoff:

:40AM

19 "If -- if I get that, if that was something
20 available to me and maybe it's really
21 unrealistic, but if that was available to me I
22 could do Valerie Jarrett in a heartbeat"?

:40AM

23 A No, I never told him that. I floated the idea.
24 He thought it was an idea that was going nowhere, he
25 that clear to me.

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1 q When you said you floated the idea, what idea did
2 you float to Mr. Balanoff?

3 A "Tom what do you think of the idea, do I have any
4 chance to considered for Health and Human Services."

5 He's a friend who had good judgment,
6 understood the politics, and it was very clear
7 quickly I had no chance.

8 q And you talked a lot in these calls that you
9 thought you had no chance of that happening. Why
10 did you talk further about the idea of Health and
11 Human Services with your colleagues and advisors?

12 A Well, I -- I think it goes to one of my
13 insecurities, I was embarrassed by the flat out
14 dismissal of the idea by a friend and arguably my
15 biggest political supporter at that time, and you
16 sure look bad in front of your staff if it's that
17 fast and that you just give up on the idea that
18 quickly.

19 And so part of I think was, you know, I was
20 afraid -- well, it was a little bit -- it was
21 embarrassing, it was embarrassing to even
22 acknowledge that, but that was certainly part of it.

23 I was hopeful that my staff, my top staff,
24 wasn't going to leave me, they were going to stay
25 with me whether I went on as senator or stayed on as

1 governor. President Obama was new and exciting.
2 And the way it works, others leave to go to
3 something bigger and better and his star had risen
4 and mine was waning, and so all of those things were
5 in my mind when I was trying to not look too
6 irrelevant to my staff.

7 q You talked about your staff and the potential for
8 you appointing yourself. Did you approach any of
9 your staff about the possibility of coming with you
10 to Washington, D.C. if you were to appoint yourself?

11 A Yes.

12 MR. SCHAR: Objection.

13 THE COURT: The objection is sustained.

14 BY MR. GOLDSTEIN:

15 q If you turn to Page 6, and on line 11 you say:
16 "So ah, he liked the, and I told him, you know,
17 why I liked it, he liked it for me, and I said,
18 look, and if I'm -- then I point this out, I
19 said so, you know, I got to consider all these
20 factors, whether where I can be viable, where I
21 can't be viable, to just, to send Valerie
22 Jarrett to Washington to please him and there's
23 nothing that assures me that I can do something
24 here in Illinois, wouldn't I just be better off
25 just taking the Senate seat myself?"

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1 what were you saying here, Rod?

2 A well, here's a combination of things. Again, I'm
3 the one who will make the decision as the senator.
4 You make one person happy, and then you got all the
5 others angry at you because you didn't pick them.
6 So it's not the perfect position to be in if you
7 want friends and supporters in politics.

8 And what I'm expressing here was that, you
9 know, if I do what purportedly is told to me that
10 President Obama wants, Valerie Jarrett, that's well
11 and good, but they'll all be in Washington and I'll
12 will be left with what I discussed yesterday, all
13 the gridlock and facing impeachment, and all those
14 very unpromising prospects.

15 And so would I not be better off possibly
16 considering me for senator for my own politics, as
17 well as for the fact then I could play a role and
18 help them push the healthcare plan that President
19 Obama was committed to doing.

20 q And when you say:

21 "Send Valerie Jarrett to Washington to please
22 him and there's nothing that assures me that I
23 can do something here in Illinois."

24 when you say "there's nothing that assures
25 me can I do something here in Illinois," what were

1 you talking about?

2 A I was told that President Obama wasn't going to
3 get involved in Illinois politics and push -- help
4 me push stuff with Madigan. So that was an option
5 that was withdrawn, that was an idea that didn't
6 survive very long.

7 And so recognizing that as a premise, then
8 the thought was, if that's the case, then I should
9 consider sending myself to Washington, then I could
10 do healthcare stuff there as opposed to being stuck
11 in Illinois unable to do anything because of the
12 gridlock and an angry Speaker Madigan because I
13 didn't appoint his daughter senator.

14 q Turn to Page 7, and on line 23 you say:

15 "She now knows that she can be a U.S. Senator if
16 I get, ah, Health and Human Services."

17 Yang says:

18 "Right."

19 And you say:

20 "Ah, so how bad does she want to be a senator
21 and, ah, they, you know, I indicated to
22 Balanoff that if I'm cornered and I have no
23 other option, maybe I'll just send me to
24 Washington."

25 what were you saying here, Rod?

1 A What I was saying to Fred was that -- that if --
2 if Tom Balanoff went back to Valerie Jarrett and
3 discussed his meeting with me, that she -- she might
4 believe and have a sense that she had a chance that
5 I might appoint her senator.

6 And even though I never made that decision
7 and wasn't close to making that decision, what I was
8 basically saying was if she really wanted it, then
9 she would express more aggressively that desire and
10 they would probably come back and -- and pursue the
11 idea of her being a senator even though Balanoff
12 made it clear to me Health and Human Services wasn't
13 going to happen.

14 Q Did you ever tell Tom Balanoff that if you get
15 Health and Human Services, she could be senator?

16 A I never told him that. I never decided to do
17 that.

18 Q And if you turn to Page 8, and if you go to line
19 25 -- actually starting at line 23, Harris says:

20 "We're, we're, ah, at a stalemate here."

21 Yang says:

22 "Right. They are gonna say no, I gotta think."

23 Then you say:

24 "No question."

25 what did you understand Mr. Yang to be

1 saying here?

2 A I mean, here, you know, when I read these now, I
3 see these conversations, I see yeah, the fact is I
4 just wasted a bunch of time talking about something
5 that Fred and I knew, as he said, it's going
6 nowhere. And then I say "no question." So when I
7 read it now I say, what was I even thinking about
8 talking about that and wasting time.

9 Q At that time did you understand that that was not
10 going to happen?

11 A Yes.

12 Q If you turn to Page 11, and on line 16 Fred Yang
13 says:

14 "And what happens if you appointed, ah, ah, what
15 happens if you appointed Madigan, Lisa Madigan?
16 That would solve a lotta problems."

17 "Right."

18 You say:

19 "If you can cut the deal and then you need, we
20 talked about that with Balanoff. How do you
21 verify it, and I, I said you have to get, he'd
22 have to pass that stuff beforehand."

23 Yang says:

24 "Right."

25 You say:

1 "And the problem with that is Emil desperately
2 wants the seat."

3 Fred says "uh-huh" and then you say:

4 "And if, you know, I cut a deal with Madigan
5 and then Emil may not pass some of that stuff."

6 Yang says:

7 "Right."

8 when Mr. Yang says "what happens if you
9 appointed Lisa Madigan, that would solve a lot of
10 problems," what did you understand him to be talking
11 about there?

12 A He's talking about the Madigan deal that I talked
13 about, that if we can get that, that would solve a
14 lot of problems.

15 I wholeheartedly agreed with that. I pointed
16 out that if we cut that deal, and I said I talked
17 about this with Balanoff, how do you verify it.
18 Trust but verify, that's Reagan and Gorbachev. How
19 do you verify it? So I said it had to be done
20 beforehand, had to pass that beforehand because I
21 don't trust him otherwise.

22 q When you say Emil desperately wants it, what were
23 you saying there?

24 A Well, he's senate president, he desperately wants
25 to be the senator. If I were to do something like

1 this before the veto session and there was a
2 timeline, legal timeline that would protect the
3 budget cuts that I made, were I to do something like
4 this before we got past the veto session in late
5 November, that maybe Emil would be upset with me not
6 picking him and that he might then undo those budget
7 cuts.

8 And so I had to be mindful of that, then I
9 had to be mindful that it wasn't enough for Madigan
10 to pass it out of the House, we needed the state
11 Senate to do it, as well.

12 So there was a delicate timing issue, that's
13 why in my mind I felt I should make the decision
14 sometime in the middle to late December or early
15 January.

16 q And if we could turn to Page 13, on line 4 you
17 say:

18 "And, and, and the other, the other message
19 Balanoff keeps sending me, and maybe I've been
20 too eager to, to, to reassure him."

21 Yang says. "Uh-huh," then you say:

22 "They -- Jesse, Jr., Balanoff, doesn't want,
23 now I got a feeling, I'm beginning, I'm
24 beginning to think that maybe this is more than
25 just Balanoff."

1 Yang says: "Right," and you say:
2 "That the Obama people don't want him."
3 What were you saying there, Rod?

4 A I was picking up on the signals, that it wasn't
5 just Balanoff but it was President Obama and his
6 team did not want me to appoint Jesse Jackson, Jr.
7 as senator but they didn't want to say it publicly.

8 And so, here again, I felt, fine, I'm the one
9 who doesn't appoint him, I'll be the one left with
10 whatever the hard feelings are that may go along
11 with it.

12 So I was basically saying that, and then I
13 was saying that just from a general idea about
14 gathering ideas and dealing with Balanoff and
15 others, depending on how that would shake out, that
16 I was too quick to dismiss Jesse, Jr., that the
17 Washington establishment was reassured I that would
18 never appoint him and that maybe I needed undo that
19 because the fear of Jesse Jackson, Jr. help them
20 help me do something in Illinois.

21 Q When you say the Washington establishment knew
22 that you weren't going to pick Jesse Jackson, Jr.,
23 what did you understand gave them that
24 understanding?

25 A That when Tom Balanoff and Andy Stern came to me

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1 on 3rd of November, I was quick to tell them you got
2 nothing to worry about, I'll never appoint Jesse
3 Jackson, Jr. And in politics, no secrets, whatever
4 you say if you're in a high place, that gets passed
5 along to others. So they were clearly, in my
6 judgment, spreading the word and letting Harry Reid,
7 the Senate leadership and others know, don't worry,
8 he's not doing Jesse Jackson, Jr.

9 Q And that was based on what you told Mr. Balanoff
10 and Mr. Stern, is that right?

11 A That's correct. And others. Fred Yang and
12 others.

13 Q Okay. If you turn to Page 15, on line 33 Fred
14 Yang says:

15 "Right, by the way I, I know this is kind of
16 tiresome, guys, we're just going through this
17 parlor game but I really can't think of a lotta
18 picks that you really, governor, directly or
19 indirectly help you."

20 When Mr. Yang says "we're just going through
21 this parlor game," what did you understand him to be
22 saying?

23 A That we're doing this parlor game, this exercise
24 of discussing these ideas and talking about doing
25 this, and that, and some other thing that might

1 happen, maybe you do the next thing and all the
2 rest, and that wasn't getting us nowhere. I wasn't
3 making a decision, we weren't doing anything. So I
4 felt when are you going to buckle down governor and
5 make a decision.

:52AM

6 q when he said "but I really can't think a lot of
7 picks that you really, governor, directly or
8 indirectly help you," what did you understand him to
9 be saying there?

:52AM

10 A well, Fred was a supporter -- you know, I saw him
11 as a friend, as well as my polster, and he was
12 suggesting that, in his view, after this parlor game
13 and discussions and thoughts, that he couldn't see
14 anything that would help me directly or indirectly,
15 that's what he said.

:52AM

16 q And turn to Page 19, and on line 21 you say:

17 "I mean, let me ask you a question, let's here,
18 the Ambassador Court St. James, that would be a
19 cool thing."

:52AM

20 Yang said:

21 "It would be great."

22 You say:

23 "Okay, is that something that, ah -- by the
24 way, Gerald Ford offered that to Ronald Reagan,
25 did you know that, when he was governor of

:53AM

1 California."

2 Yang says:

3 "Oh, interesting."

4 "And Regan said no, then he offered a
5 Department of Transportation and Regan said
6 no."

7 What were you saying there?

8 MR. SCHAR: Objection, Judge.

9 THE COURT: The objection is sustained.

10 BY MR. GOLDSTEIN:

11 Q On Page 21, if we go to line 33, you say:

12 "So, Fred, that has no appeal to me. I mean,
13 look, I, I, I got, I want to make money, you
14 know, I might as well just go out and try to
15 figure out a way to make money."

16 What were you saying there, Rod?

17 A What -- I'm trying to figure out what has no
18 appeal to me.

19 (Brief pause.)

20 BY THE WITNESS:

21 A Oh, talking about a federal appointment that
22 doesn't require the approval of the Senate, the
23 consent of the Senate.

24 And I told Fred, look, if I'm going to leave
25 being governor, that has no appeal to me, basically

1 I might as well just go into the private sector and
2 start earning a living, that's what I was telling
3 Fred.

4 Q If you turn to Page 27, and line 18, Fred Yang
5 says:

6 "Whose idea was this?"

7 When Mr. Yang said that, what idea did you
8 understand him to be talking about?

9 A This was the Change To Win idea that John Harris
10 brought up and suggested either earlier that day or
11 the day before, the one we talked about yesterday.

12 Change To Win was sort of the flavor of the
13 month that day, that idea.

14 Q And then on Line 23 you say:

15 "I know, he, he's really a smart guy, sometimes
16 outlandish things come out ideas, come out of
17 Harris, but that's --"

18 Yang says:

19 "Uh-huh."

20 You say:

21 "A sign of smart people, you know."

22 Yang says:

23 "I just thought, governor, that John --"

24 On to page 28:

25 "Harris was where good ideas went to die, I

1 didn't know that's where good ideas started
2 from."

3 Harris laughs, and then you say:

4 "well, I know, it depends on his mood. Usually
5 he's the prince of darkness."

6 When you said John Harris was the prince of
7 darkness, what were you referring to?

8 A I used to tease him about that. He's sort of the
9 naysayer, the guy that sees the glass as half empty
10 as opposed to half full, and that he would always
11 give me the extreme worst case scenario possibly as
12 you kind of war game things.

13 And he was a conventional thinker, as I said
14 before. So he wasn't among my top staff, you know,
15 a creative thinker and come up with new ideas.
16 That's why I kinda talked about smart people say
17 dumb things come up with bad ideas but they'll land
18 on something good.

19 I encouraged that kind of thinking, I thought
20 that that was how we can do good things. And here
21 Harris came up with an idea that both Fred and I at
22 the time thought was a pretty exciting idea, and so
23 Fred was surprised it came from John Harris, the
24 prince of darkness.

25 Q And if we can turn to Page 42, and if we look on

1 line 8, you say:

2 "Yeah, yeah, but I'd, I'd have to figure out a
3 way, though, where this would give me some
4 financial, an opportunity for upward mobility
5 financially over there in these wilderness
6 years, you know."

7 Yang says: "Uh-huh."

8 You then say:

9 "See here, I don't wanna, I'm gonna sound, this
10 is the greedy part here, in a perfect scenario,
11 you know, I can be in a place where I can make
12 money, have the promise to make more money
13 while at the same time be involved, engaged in
14 a cause or causes that I really believe in that
15 give me a platform to maintain some sort of
16 political viability and a possibility of
17 getting back in."

18 what were you saying here? And specifically
19 first the "upward mobility financially over these
20 wilderness years," what were you talking about
21 there?

22 A I was talking about my life after governor,
23 post-governor years. And the perfect world for me,
24 if I could figure out a way or some sort of thinking
25 through it -- because this was after an election,

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1 the political landscape had changed. The perfect
2 world for me was after I'm governor, that in those
3 wilderness years--that's a phrase that is applied to
4 people like Winston Churchill, Abraham Lincoln,
5 Teddy Roosevelt, others, my heros in history, they
6 had them--how can you work in those wilderness years
7 doing work in the private sector but can you still
8 somehow be involved in the issues that you care
9 about and is there some sort of vehicle that you
10 might be able to develop or create possibly that
11 could then give you a chance to advocate those
12 things. And who knows, as unlikely as it is, you
13 know, get back politically in the arena of politics
14 at the national level, is what I'm thinking about
15 here, is there a way to do that.

16 It would've been nice to take a sabbatical
17 from politics for a while, take care of my family
18 and the things that were important to us, of course,
19 but can you do it in a way where you can make a
20 come-back possibly. And I was raising that question
21 with Fred, that would've been a perfect scenario.
22 q why were you talking about a place where you can
23 make money?

24 A well, I mean, once you leave governor and I'm not
25 in public service anymore, I would've devoted a lot

1 of time and effort and energy to work to build up
2 some financial security for my family.

3 We were in a very financial insecure place
4 and the investigations and the fear that's what
5 happened, that was coming my way scared me, and I
6 was very afraid of my family and the ability to even
7 send my daughter, Amy, to college.

8 Those sorts of things were very much in my
9 mind at that time and I was thinking when I'm no
10 longer governor some of things I'd like to do.

11 But what I wanted to do was see if there was
12 a way where I could still be involved in the issues
13 I cared about and not just spend all my time earning
14 a living.

15 I wanted to see if there was a way -- that's
16 what I mean by the greedy part, if could have my
17 cake and eat it, too, if I can take care of my
18 family but still be involved in the issues and
19 possibly make a come back in politics as unlikely as
20 the plutocracy would have said it was.

21 Q If you can turn to Page 46, Rod, line 4, Fred
22 Yang says:

23 "No, I, I, I think you're smart and shrewd to
24 keep it as an option at least in your head. I,
25 I think it's not smart to preclude, well,

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1 actually, I think the only option you should
2 not contemplate is Jesse Jackson, Jr. United
3 States senator."

4 You said:

5 "Like nobody --"

6 Fred Yang laughed and you laughed and you say:
7 "You and Obama agree on that one."

8 what did you understand Mr. Yang to be
9 saying here?

10 A Ah, after some discussion about the Change To
11 Win, I think, and maybe leaving governor, John
12 Harris pointed out, you know, you have a duty to
13 stay as governor, you were elected to be governor so
14 you should consider that. And Fred acknowledged
15 that that's right, as did I, I believed that. So,
16 obviously, had a very strong consideration.

17 But then Fred went on to say "but you're
18 smart to keep it as option," I think he's saying --
19 I think he's talking about Change To Win here. So
20 it's not smart to preclude that consideration. Then
21 he goes on to add "the only optional that you should
22 not contemplate is Congressman Jesse Jackson, Jr.,
23 as United States Senator."

24 Q And when you said you and Obama agree on that
25 one, what were you saying there, Rod?

1 A That, again, I was getting the signals that I
2 interpreted to mean that, you know, that that was
3 President Obama's position based upon Balanoff and
4 some of the other stuff that were -- signals that I
5 was picking up on and had indicators.

6 Q Now, during this conversation with Mr. Yang and
7 Mr. Harris, you were talking about the idea of
8 Change To Win, is that right?

9 A Yes.

10 Q Had any decisions been made regarding Change To
11 Win?

12 A I never decided to do it. Ultimately, I didn't
13 like the idea.

14 Q And when you said you ultimately didn't like the
15 idea, about how long after this call did you
16 ultimately just not like the idea?

17 A I felt the 501(c)(4) idea was a lot better
18 because that would help me do things for the people
19 of Illinois. Change To Win was not a direct thing
20 that I thought would help me as governor, doing my
21 job as governor. So a 501(c)(4) was a lot more
22 appealing to me as a possible idea than this.

23 Q On November 8, 2008, did you have a telephone
24 conversation with Rahm Emanuel?

25 A Yes; several.

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1 q On that day, how many did you have?

2 A I think 3, maybe 4.

3 q And during one of --

4 A I think 3.

:02AM

5 q During one of the conversations you had with
6 Mr. Emanuel, did you discuss the Senate seat at all?

7 A I'm sorry.

8 Yes.

9 q And did you talk about the idea of Lisa Madigan?

:02AM

10 A Yes.

11 q And what did Mr. Emanuel say to you and what did
12 you say to Mr. Emanuel regarding Lisa Madigan and
13 the possibility of appointing her to the Senate
14 seat?

:03AM

15 A He was -- he said something like, "so you're
16 really playing with the idea of Lisa Madigan,"
17 something along those lines. I said, yes, and I
18 think I said something along the lines of, you know,
19 if I could get the things that I talked about, how
20 much do I love the people of Illinois, could I hold
21 my nose and do it. I'm not quoting me exactly, but
22 something along those things. "It'll be a test of
23 what kind of person I am," something like that.

:03AM

24 And then he was not against the idea. I
25 mean, he's a sensible guy and understood the

:03AM

1 politics, as well as the good things that could be
2 done. I interpreted him to think that he thought it
3 was an all right idea. And I also interpreted it to
4 mean that he was surprised that I would even
5 consider her. And I think I took it as he was
6 presently surprised to think that I would consider
7 her.

8 q I want to talk to you a little bit about the idea
9 of a 501(c)(4).

10 The idea of a 501(c)(4) that you were
11 thinking about during this period of time, what
12 exactly would that 501(c)(4) do?

13 A The 501(c)(4) would have done -- would do -- I
14 had one of those before that I used, so it would do
15 that that I used before in a much more significant
16 way, and in my idea, it would've been applied
17 potentially nationally, not just in Illinois,
18 certainly in Illinois but potentially nationally.

19 q And this 501(c)(4), is this an organization?

20 A It's an organization, issue advocacy
21 organization, would be created for the purpose of
22 advocating healthcare for children and healthcare
23 for Americans across the country and help me in
24 Illinois.

25 q Did you have conversations with Bill Quinlan

1 about the 501(c)(4)?

2 A I did. Constantly and continually.

3 q And November 10th and 11th did you discuss the
4 501(c)(4) with Mr. Quinlan?

:05AM

5 A Yes, I did.

6 q And what was your understanding his position was
7 regarding the 501(c)(4) idea?

:05AM

8 A He thought it was a good idea. He -- he did the
9 legal research to see how you put it together, and
10 we discussed whether or not that was something that
11 we can consider doing in connection with a possible
12 Senate appointment of Valerie Jarrett.

13 q And on November 10th, did you have a conversation
14 with Mr. Harris and Mr. Quinlan?

:05AM

15 A I did, and many others.

16 q So is it your understanding that you had more
17 than one conversation with Mr. Quinlan and
18 Mr. Harris?

19 A Yes; and other people, right.

:05AM

20 q In that telephone conversation you had with
21 Mr. Harris and Mr. Quinlan, did you ask the
22 question:

:06AM

23 "So anybody wanna argue why I should appoint
24 Valerie Jarrett in exchange for nothing?"

25 Mr. Quinlan said:

1 "I'm not going to argue that, I would argue
2 appointing Valerie Jarrett. You get something
3 that is helpful to you and then you got a way
4 to get, get what you can, get from appointing
5 Lisa Madigan or appointing Louanner or
6 appointing Gery Chico."

7 Did you say to that Mr. Quinlan on November
8 10th and did he say that to you?

9 A Yes.

10 q And you had -- how many conversations like this
11 did you have with Mr. Quinlan?

12 A I talked to Bill Quinlan 3 or 4 times a day and
13 on weekdays sometimes 5, sometimes 6 times a day on
14 the telephone, then I would see him in person a lot
15 as well and those are hard to quantify, but I would
16 say, you know, 3 to 5 to 7, who knows, on a given
17 day.

18 q And these conversations you had with Mr. Quinlan
19 regarding the 501(c)(4), how did that affect your
20 state of mind when talking about the Senate seat and
21 the 501(c)(4)?

22 A That it was doable. I even asked him that and he
23 said it was. That it was -- that it's something we
24 should consider the idea and pursue the idea and see
25 where it goes, and that it could do the things that

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1 I was hoping to do. And that it was along the lines
2 of us looking at other models --

3 MR. SCHAR: Objection.

4 THE COURT: Sustained.

5 BY MR. GOLDSTEIN:

6 q Rod, if you can turn to tab 28, page 1, according
7 to the transcript, what is the date and time of this
8 phone conversation?

9 A November 11th, 2008, 9:16 in the morning.

10 q who are the speakers?

11 A Me and John Harris.

12 q And if you turn to Page 2, line 32, you say --
13 well, before we get to this, had Harris communicated
14 to you a message that you received back or that he
15 received back from Rahm Emanuel?

16 A Yes.

17 q And what was that message?

18 A I think earlier that morning Rahm Emanuel had
19 called John Harris to tell him that Valerie Jarrett
20 was staying in the White House, that she was not
21 interested in being a senator.

22 q Did John Harris talk about thankful and
23 appreciative? Did he communicate that at all?

24 A Yeah. I think I'm a day off.

25 That's right, what he said to me -- that's

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1 right, she was still -- she was still, apparently --
2 her name was still being thrown, bandied about as a
3 potential choice for senator and that Rahm had
4 called Harris and had indicated that she was still
5 the preference of President Obama, I believe, and
6 that if I pointed her they would be thankful and
7 appreciative.

8 Q In the next day or later in the day of
9 November 11th going into November 12, did you
10 eventually learn that Valerie Jarrett was not -- was
11 taking her name out of the race, if you want to say
12 it like that, not a potential candidate for the
13 Senate seat?

14 A Yes; and I can't remember exactly where. My
15 protection is, Bill Knapp was the first one to tell
16 me that I think before the published reports. Maybe
17 not, could've been after published reports. But
18 Bill Knapp was the Washington consultant who
19 understood the inside stuff that was going on, and
20 that she was publicly out of -- she was going to go
21 to the White House, she was not interested in being
22 a senator.

23 Q So the day before on the 11th when you're talking
24 to Harris, on Page 2, you said:

25 "I think a 501(c)(4), can we get his friend

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1 Warren Buffet or some of those guys to help us
2 on something like that?"

3 And then Harris on Page 3 says:

4 "What, for you?"

5 You say:

6 "Yeah, for me to ultimately be, you know, get
7 involved in but it would be for like kids'
8 insurance."

9 What were you saying there, Rod?

10 A I wanted to see what Harris thought of the idea,
11 and that does he think that Rahm might be willing to
12 help put an organization like that together, because
13 I assumed he had relationships with people like
14 Warren Buffet and George Soros.

15 And Harris then asked me "for you" and I said
16 well, for me to ultimately be involved in to help
17 promote kids and health insurance, and I'm talking
18 about nationwide.

19 Q And on Page 3, line 22, you say:

20 "You put Louanner there. I mean, can we count
21 on Louanner if things get hot to give that up
22 and let me parachute over there."

23 What were you saying there, Rod?

24 A This was another, you know, apparently manic
25 brainstorming discussion where I'm throwing ideas

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1 out. And so I get off the idea of Valerie
2 Jarrett -- or I should say I get off the idea of
3 Rahm saying grateful and appreciative Valerie
4 Jarrett and 501(c)(4) and I jump right to Louanner
5 Peters who I was considering as a potential senator,
6 and then thinking ahead that if I did make her a
7 senator and things got -- you know, I was facing
8 impeachment and some of the issues here, which I was
9 very afraid of, that would she be willing, do you
10 think, to give up the Senate seat and let me kind of
11 parachute in there for safety reasons.

12 This wasn't my brother calling an ugly idea,
13 but this was among the many ideas that I talked
14 about, an extreme idea, an option that went nowhere.

15 MR. SCHAR: Objection, Your Honor.

16 THE COURT: Objection sustained.

17 BY MR. GOLDSTEIN:

18 Q Who is Louanner Peters?

19 A Louanner Peters was -- was my deputy governor.
20 We had two of them. She had been with me for the
21 entire 6 years and --

22 Q Was she a potential candidate for senator?

23 A She was a very strong consideration for a few
24 days. Active in the African-American community,
25 community activist level for many years, I knew her

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1 to be a very honest person and had been very
2 hardworking for 6 years. I thought it was an
3 interesting idea. Again, it was an unconventional
4 idea --

:12AM

5 MR. SCHAR: Objection, Your Honor.

6 THE COURT: Give me a second.

7 (Brief pause.)

8 THE COURT: I think maybe you went beyond the
9 scope of the question.

:13AM

10 BY MR. GOLDSTEIN:

11 q The things you explained about Louanner Peters,
12 was that the reason why she was a potential
13 candidate for Senate, in your mind?

14 A Yes.

:13AM

15 q If you could turn to Page 4, line 14, you say:
16 "well, okay, so we know he wants her. They're
17 not willing to give me anything except
18 appreciation, f' them, you know what I mean."
19 Harris laughs and you say:

:13AM

20 "Right now Louanner is the frontrunner."
21 what were you saying here, Rod?

:14AM

22 A I was responding to what Harris told me what Rahm
23 Emanuel had suggested. And I evidently didn't like
24 the idea, so I said f' them, unfortunately, and then
25 I said -- and Harris laughed, and then I said so now

1 Louanner is the frontrunner, let's take a good
2 serious look at Louanner and the idea of Louanner
3 being pointed to the United States Senate.

4 Q In line 14 and similarly in other conversations,
5 were you venting at this point?

6 A Yes.

7 MR. SCHAR: Objection, Your Honor.

8 THE COURT: That may stand.

9 BY MR. GOLDSTEIN:

10 Q Can you turn to tab 29, on page 1, what is the
11 date and time according to the transcript?

12 A November 11, 2008, 9:37 a.m.

13 Q And who are the speakers?

14 A Me and Doug Scofield.

15 Q And if you can turn to Page 2, on line 25
16 Scofield says:

17 "I, you know, look, the president can be
18 helpful, he should be grateful and appreciative
19 and helpful."

20 And you say "that's right."

21 what did you understand Mr. Scofield to be
22 saying there?

23 A I just passed on to Doug what Harris had told me
24 that Rahm told him, that if I pointed Valerie
25 Jarrett, that Rahm and the president, presumably,

1 would be grateful and appreciative, and then Doug
2 said well, he should be grateful, should be
3 appreciative, and then Doug added on he should also
4 be helpful, and then I said I agreed with him.

:15AM

5 q on line 30 you say:

6 "How about a 501(c)(4) so I can advocate
7 children's healthcare? Can't they get like
8 Warren Buffet and some of those guys to put
9 like 10, 12, 15 million dollars in that like
10 right away."

:15AM

11 Scofield says:

12 "well, they probably could."

13 And then you say:

14 "Then I can, I could advocate children's
15 healthcare, use that thing as, you know, an
16 advocacy tool."

:15AM

17 what were you saying there?

18 A I was now testing this idea that I talked about
19 with Bill Quinlan and John Harris with Doug Scofield
20 to see what he thought of the idea, and it speaks
21 for itself. That I would use it as an advocacy tool
22 for children's healthcare.

:16AM

23 q And further down on line 7, Page 3, you say:

24 "How do you make a deal like that? I mean, it's
25 got to be legal, obviously, but, but it's very

:16AM

1 commonplace, is it not, doing things like
2 this."

3 when you say "how do you make a deal like
4 that, it's gotta be legal, obviously," what were you
5 saying there, Rod?

6 A Any decision I would ultimately make on the
7 Senate seat had to be legal, obviously.

8 MR. SCHAR: I would object.

9 THE COURT: The objection is sustained.

10 BY MR. GOLDSTEIN:

11 q After you said "but it's very commonplace, is it
12 not, doing things like that," what were you saying
13 there?

14 A I was asking Doug if this is a common thing in
15 politics, and he said it's not unusual.

16 MR. SCHAR: Objection.

17 THE COURT: The objection is sustained.

18 BY MR. GOLDSTEIN:

19 q And Page 4, line 11, you say:

20 "If I get nothing back from Obama, then, ah, I'm
21 going in another direction, you know what I'm
22 saying."

23 Scofield says:

24 "I think you should leverage it for whatever's
25 most helpful to you."

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1 You say:

2 "You agree with that, don't you?"

3 Scofield says:

4 "I do."

:17AM

5 what were you saying here lines 11 through
6 13, Rod.

:18AM

7 A I was saying just that, if -- if -- if I -- if I
8 don't get anything back from Obama, whatever that
9 might be, if anything, I'm going to another
10 direction. In other words, I'll think about
11 something else. And then Doug went on to say, "you
12 should leverage it for whatever is most helpful to
13 you."

:18AM

14 q what did you understand him to be saying there,
15 Rod?

16 A He's advising me to leverage it for whatever is
17 most helpful to me. And then I asked him, "you
18 agree with that, don't you," just double-checking,
19 and he says "I do."

:18AM

20 q And if you could turn to Page 8, on line 2, you
21 say:

22 "Ah, you, you, look, I really believe you can do
23 more good than just putting Valerie Jarrett
24 there and get nothing back."

:18AM

25 Scofield says:

1 "Well, I agree with that. Look, it's not like,
2 you know, look it's nice to be a senator, it's
3 not like Valerie's gonna be the most powerful
4 senator. I mean, she'll have the president's
5 ear, but still it's not like she's gonna be
6 necessary to get things done for Illinois."

7 when you say, "I really believe you can do
8 more good than just putting Valerie Jarrett there
9 and get nothing back, what were you saying there,
10 Rod?

11 A Well, if I did make this decision to appoint
12 Valerie Jarrett, she would have been a senator who
13 would've been, I think, a very capable senator who
14 would have backed President Obama on everything, but
15 meant a national agenda, would not be necessarily an
16 Illinois first agenda.

17 So what both Doug and I, I think, are saying
18 is, I could probably do more good in terms of
19 Illinois if I went in another direction, and that's
20 what I was saying.

21 THE COURT: He is doing some mind reading now
22 when he's just supposed to say what his
23 understanding was.

24 BY MR. GOLDSTEIN:

25 Q What was your understanding what Mr. Scofield was

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1 saying there, Rod?

2 A My understanding of what Mr. Scofield was saying,
3 turn-around is fair play since he understands what I
4 say, is that he's saying that Valerie Jarrett
5 doesn't really give me a chance to be able to do
6 more good, and instead she would be a senator who
7 would have the president's ear, and in my
8 understanding we're both saying I could do more good
9 with another senator.

10 q Did you think you could do good by having a
11 501(c)(4)?

12 A I thought the idea of doing that, that would be
13 legal, obviously, could do a lot of good.

14 MR. SCHAR: Objection.

15 THE COURT: The objection is sustained and
16 the answer is nonresponsive to the question.

17 MR. GOLDSTEIN: May I repeat the question,
18 Your Honor?

19 I don't know if the objection is to answer or
20 the question.

21 THE COURT: You can try it again.

22 BY MR. GOLDSTEIN:

23 q Did you think setting up a 501(c)(4) for kids
24 healthcare would do good?

25 A Yes.

1 MR. SCHAR: I object, Your Honor.

2 THE COURT: I'll let it stand.

3 BY MR. GOLDSTEIN:

4 Q If we could turn to Page 9, and on line 3

5 Scofield says:

6 "well, look, it's not entirely outlandish to
7 say, look, we're all your friends who want you
8 to leverage this, and the president being
9 grateful is fine, I think everybody would say
10 that's a good first step, but, you know, for me
11 at least I think you gotta add something to
12 that. I mean, everybody sees taking care of
13 Barack's person and there's value in it, but
14 you gotta make the value I think a little more
15 tangible."

16 And Scofield chuckles.

17 when Mr. Scofield says it's not entirely
18 outlandish to say, look, we're all your friends who
19 want you to leverage this," what did you understand
20 him to be saying there?

21 A I understood him to be saying that "we're all
22 your friends" to include all my different advisors,
23 want you to leverage this for whatever is helpful to
24 you and that it's not outlandish to want that.

25 He was giving me his view on what my friends,

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1 him included, thought I should do with this,
2 leverage the Senate seat.

3 Q Did you understand who he was talking about when
4 he said "your friends"?

5 A Yes.

6 Q And who did you understand Mr. Scofield was
7 saying when he said "your friends"?

8 A The different ones that I was talking to about
9 this issue, Harris and Quinlan Bill Knapp and Fred
10 Yang, and Doug Scofield and Tom Balanoff and
11 presumably others.

12 MR. GOLDSTEIN: Your Honor, at this time we
13 ask to publish this call.

14 THE COURT: Sure.

15 (Tape played).

16 BY MR. GOLDSTEIN:

17 Q Rod, if you can turn to tab 30, and according to
18 the transcript what is the date and time of this
19 call?

20 A November 12th at 7:40 in the morning, 2008.

21 Q And who are the speakers?

22 A Me and John Harris.

23 Q If you can turn to Page 5, Harris on line 3 says:

24 "But the question is not so much is, is it
25 something you'd be willing to wait to do in

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1 2 years."

2 And you said:

3 "Oh, yeah, definitely, but I want that
4 organization up and running now. We put a
5 board, we got a board of directors that Quinlan
6 and I have been working on, I'd be sitting
7 there and the, and the organization would begin
8 advocating this stuff."

9 what were you saying here, Rod?

10 A John Harris asked me if this is something that if
11 we did, that you would be willing to wait to get it
12 up and running after I was governor.

13 And I said, yes, but then I made it clear I
14 wanted the organization up and running now so that
15 we can put together a board of directors that Bill
16 Quinlan and I were working on how to do it and what
17 we can do with it, I'd be sitting there and the
18 organization would begin advocating this stuff.

19 So the plan was to get this organization up
20 and running while I was governor so I can go out and
21 use this as a vehicle to advocate healthcare in
22 Illinois and, in a perfect world, be able to go out
23 and join the Obama team and do it across the
24 country.

25 Q How long had this idea of a 501(c)(4) been in

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1 your mind?

2 A Ah, it was -- this new one was one that I was
3 thinking about doing for, ah, I want to say sometime
4 early to mid 2008, probably sometime during the
5 spring legislative session. Because I had one of
6 these in 2007 and we ran television adds promoting
7 healthcare, education funding, and my tax fairness
8 plan. So I had done this already while I while I
9 was governor.

10 q When you did this before in 2007, were you
11 compensated or were you paid at all out of this
12 501(c)(4) --

13 MR. SCHAR: Objection.

14 THE COURT: The objection is sustained.

15 BY MR. GOLDSTEIN:

16 q Page 6, on line 20, you say:

17 "But I would say one of these things is, you go
18 to Bill Gates, you go to Warren Buffet, go to
19 George Soros, you go to those big democrat
20 multibillionaire guys and you ask them all to,
21 you know, all do 2.5 million, you know, they
22 do, you know, a couple of million each."

23 You say:

24 "And I don't know if, if we, if we're, you
25 know, we're, ah, I wouldn't even be adverse to

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1 being upfront about it and saying that we've
2 established this organization, they're all
3 going to Washington to push these things that
4 we've done in Illinois and that we can help you
5 push in Illinois, but it might be easier with
6 all the economic conditions and politics here."

7 when you talked about Bill Gates and George
8 Soros putting money into this, what were you saying
9 here, Rod?

10 A I was talking about the organization receiving
11 the money from George Soros and Bill Gates, Warren
12 Buffet, and the money would be used to advocate
13 healthcare, not to pay me.

14 This was Isaiah from the Old Testament, get
15 the rich to help the poor, that was the thinking.
16 And then I went on to say that we should be upfront
17 about this, announce it publicly at a press
18 conference, and that I would say --

19 well, go ahead. I'm sorry. I'm ahead of
20 myself.

21 That we should announce it publicly, be
22 upfront about it.

23 Q So when you say being upfront about it, you were
24 talking about announcing what publicly?

25 A That if we went in the direction of Valerie

1 Jarrett --

2 (Judge handing water to witnesses.)

3 THE WITNESS: Thank you, Judge.

4 BY THE WITNESS:

5 A If we went in the direction of Valerie Jarrett
6 and they were to help me with this 501(c)(4), that
7 we would have a press conference--President Obama,
8 Valerie Jarrett and I--and we would announce they're
9 going to push the big healthcare plan, I'm making
10 her senator to join the team to push healthcare,
11 they're helping me raise this money for this issue
12 advocacy organization, and I'm going to play a role
13 to try to drum up support across America.

14 It's sort of, we learned later, an
15 organization that was counter to like a Tea Party
16 organization, a people's organization to push
17 healthcare. And that I was talking about
18 envisioning a press conference where we would
19 announce this and we'd all be off and running to
20 make history and push healthcare across America.

21 Q When you talked about envisioning this, at this
22 stage was this an idea in your mind? Where were you
23 at in your mind as to this thought?

24 A It was an idea, it was all it was.

25 Q At this time had you made any decisions with

1 regards to the Senate seat?

2 A No.

3 q If you can turn to Page 8, now at line 20 you
4 say"?

5 " Hey, do you, why don't we start looking for
6 an African-American Tammy Duckworth, we can,
7 can't we?"

8 Harris says:

9 "I can look, I've been, I've been looking and
10 we gotten nothing back yet. I got feelers out
11 on that."

12 When you said why don't we start looking for
13 an African-American Tammy Duckworth, what were you
14 saying there, Rod?

15 A I was -- I was asking John Harris for the status
16 of what we had talked about before, which was to see
17 if we could find an African-American military hero
18 along the lines of Tammy Duckworth.

19 And I said basically that I hadn't heard
20 about this in a couple of weeks, so I was
21 resurrecting that idea to see how he was doing in
22 terms of finding somebody that might fit that
23 profile, that would be out out-of-the-box idea of
24 appointing a senator.

25 q You said you requested this a couple of weeks

1 ago?

2 A John Harris and I talked about this even before
3 the presidential election.

4 Q To your knowledge, were any names ever given to
5 you?

6 A My recollection is, John had mentioned that there
7 were a couple of possible candidates, I don't
8 remember if he gave me names.

9 Is there something that would refresh my
10 recollection?

11 MR. GOLDSTEIN: Give us one second, Your
12 Honor.

13 (Brief pause.)

14 BY MR. GOLDSTEIN:

15 Q While we're looking for the documents to refresh
16 your recollection, let's go to Page 17.

17 On line 5 John Harris says:

18 "You also trusted the values that you held as
19 something that would be good for people."

20 You say:

21 "That's right."

22 And Harris says:

23 "Now, as opposed to Thompson who you know is
24 governor, he was a dealmaker. When he left
25 governor and went into the private sector, he

1 remained a dealmaker, right?"

2 You said:

3 "Right."

4 And Harris says:

5 "Putting, people together to make money."

6 You said:

7 "Right."

8 And Harris says:

9 "So what he's doing now is what we did then."

10 You say:

11 "Right."

12 what did you understand Harris to be talking
13 about the values that you held as something that
14 would be good for people?

15 MR. SCHAR: Objection.

16 THE COURT: Sustained.

17 MR. GOLDSTEIN: May I approach, Your Honor?

18 THE COURT: You may.

19 BY MR. GOLDSTEIN:

20 q Rod, you just talked about this idea of an
21 African-American --

22 A Yes.

23 MR. GOLDSTEIN: Sorry.

24 (Whereupon, there was a conference had between
25 counsel:)

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1 THE WITNESS: Nice to see you guys getting
2 along.

3 MR. GOLDSTEIN: Every once in a while.

4 BY MR. GOLDSTEIN:

5 q I want you to look at this document and when your
6 memory is refreshed as to potential names regarding
7 African-Americans, just look up.

8 (Brief pause).

9 BY THE WITNESS:

10 A Yes.

11 Can I see it one more time?

12 (Brief pause).

13 BY THE WITNESS:

14 A Okay, yes.

15 BY MR. GOLDSTEIN:

16 q Is your memory refreshed as to potential names
17 that were brought up and potential results as to an
18 African-American war hero?

19 A Yes.

20 q And who was that?

21 A Lieutenant Colonel Duane Hayden.

22 q And at what time, what date, did you receive that
23 name?

24 A November 21st, 2008 at 10:35 in the morning.

25 q Now, back to tab 30 --

1 Here, I can take that back.

2 A Oh, yeah.

3 (Brief pause).

4 BY MR. GOLDSTEIN:

5 Q On tab 30, Page 17, line 30, you say:

6 "Right, but you understand, it's very important
7 for me to make a lot of money, I need the
8 independence, I, I, I need the freedom. You
9 know, among the things that I, we've dealt with
10 that I've learned that I knew anyway but I
11 really know and experienced the feel is, that
12 the vulnerability that my family is under
13 because of my public responsibilities that I
14 made my children and my wife vulnerable."

15 What were you saying here, Rod?

16 A I was explaining to John that when I was no
17 longer governor, that I felt that I needed to go out
18 and -- and try to earn a good living and try to make
19 a lot of money. That I needed the independence.

20 That my experience as governor, and all the fights
21 and the rest, and my fear of what was coming, what I
22 was afraid of I made my family vulnerable. And that
23 my public responsibilities, the political arena, the
24 rough and tumble of that business, I had made
25 children and Patti vulnerable and I felt guilty

1 about it.

2 q And you go on further on Page 18 and you say:

3 "You follow, I've got the scrutiny going on,
4 lawyers to pay for. How the H am I gonna send
5 my kids to college, that's the biggest f'ing
6 downside that I, you know, that I'm really
7 dealing with, and it's like never again am I
8 ever going to f'ing screw my kids and my family
9 and put them in a position like this. I gotta
10 six this. You know, hence the idea of being
11 here for two more years and then just, you
12 know, in an environment where they're gonna,
13 I'm gonna have to fight tax increases and a guy
14 who is gonna just like continue to block what
15 I'm trying to do, you know what I'm saying?"

16 And then you go on further and say:

17 "where, you know, my daughter's 12, she'll be
18 14, and then four more years, three more years
19 she's going to college. I'd like to get myself
20 on a sound financial footing and then have the
21 freedom to be able to get back in somehow, if
22 there's a way."

23 Is this similar -- when you're going on with
24 this, is this similar to what you're talking about
25 in the previous lines?

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1 A Yes. I -- I was sharing with Doug -- with John
2 my fears and my -- my feelings.

3 MR. SCHAR: Cumulative.

4 BY MR. GOLDSTEIN:

5 q Did you have concerns regarding your family and
6 your family's financial health?

7 MR. NIEWOEHNER: Objection, Your Honor.

8 THE COURT: Sustained on grounds of
9 essentially having been asked and answered.

10 BY MR. GOLDSTEIN:

11 q Let me turn to tab 36.

12 Now, according to the transcript, what is the
13 date and time of this call, Rod?

14 A November 12th at 10:30 in the morning.

15 q Who were the speakers?

16 A It was me, Tom Balanoff, and Mary made the
17 connection but she got off the phone.

18 q And on page 2, line 24, you say:

19 "Monday night they called through a third-party
20 had a message conveyed that Valerie Jarrett
21 wants to be a senator, the president wants her
22 to be senator, and the president would be
23 quote/unquote grateful and appreciative if the
24 governor picks her, right."

25 Balanoff says:

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1 "Well, that's a lot further than they would let
2 me say," chuckles, "okay, cool."

3 What were you saying here, Rod?

4 A I was passing along to Tom Balanoff, who had come
5 to me about Valerie Jarrett, that Rahm had called
6 and that Rahm had told John Harris that she was
7 going to stay in the White House.

8 And I went on to explain to him that,
9 apparently, it was Rahm who was pushing her and not
10 necessarily President Obama because of the politics
11 around the king. In other words, who's closer to
12 the king has more influence. So Rahm, in sort of an
13 inside office politics move, he wanted Valerie
14 Jarrett out of the way so he'd have more influence
15 with the president, that's what I was told and I was
16 passing along to Tom Balanoff.

17 Q And --

18 A And Tom Balanoff went on to say "that's more than
19 I could say," which is sort of -- he reiterated kind
20 of what he indicated to me when we met on the 6th,
21 which was he -- he had -- somewhere along those
22 lines, that he was in no position to promise or do
23 anything.

24 Q And on Page 5, Balanoff:

25 "You know, I think, you know, you have another

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1 candidate for a whole lot of reasons that is
2 obviously valid."

3 You say:

4 "Which one is that, Tom?"

:51AM

5 "Well, the whole question of Lisa. I mean, you
6 know."

7 You say:

8 "I got that one, right."

9 what did you understand Tom Balanoff to be
10 saying there when he said "you have another
11 candidate"?

:51AM

12 A That he was repeating what he and I talked about
13 on the afternoon of the 6th and I talked about Lisa,
14 I talked about Emil Jones, I talked about me, we
15 talked about Jan Schakowsky and others. So I wasn't
16 quite sure which one he was referring to and he
17 brought up Lisa, which I agreed with, "that's
18 right."

:51AM

19 q And on page 5, line 26 -- actually go to line 23,
20 and you say:

:52AM

21 "Hey, Tom, here's one thing I'd be interested
22 in."

23 Balanoff says:

24 "Yeah."

:52AM

25 And you say:

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1 "And we're, we're going to do this anyway, but
2 this would sure expedite it, I want to create a
3 501(c)(4) issue advocacy."

4 And Balanoff says."

5 "Uh-huh."

6 And you say:

7 "Or organization that would be, you know, there
8 for if -- if I'm not governor again or whatever
9 I do later, but right now."

10 And then it goes on.

11 What were you saying here, Rod?

12 A I was testing the idea of the 501(c)(4) with Tom
13 Balanoff to see what he thought about the idea.

14 Q Why were you testing that idea with Tom
15 Balanoff?

16 A Well, Tom, again, was a friend and, you know, a
17 significant political supporter of mine. One of the
18 last ones standing at the time. And, again, he had
19 good judgment, good political instincts, so I wanted
20 to see what he thought about the idea, if he thought
21 it made any sense at all.

22 Q And --

23 A And I had already told me what he thought about
24 the Health and Human Services idea, so I wanted to
25 bounce this one off at him, as well.

1 q When you said "we're going to do this anyway, but
2 this would surely expedite it," what were you talking
3 about there?

4 A I was already making plans to do this. I had
5 done one before. I figured if I am going to be
6 fighting gridlock, if there was a way for me to go
7 out and raise money to be able to have an
8 organization so I could take my case to the people
9 and outside of that legislative inside world of
10 Springfield, that maybe that way I could get through
11 and around the gridlock by building public support.

12 So whether they were going to help me or not,
13 I was exploring the idea of potentially having this
14 moving forward, anyway. I was interested in doing
15 it anyway.

16 q And turn to Page 7, on line 13, you say:

17 "And creating a 501(c)(4) that if I no longer am
18 an elected official, I can possibly work with
19 right now."

20 Balanoff says:

21 "Right."

22 You say:

23 "While I'm an elected official, it would help
24 me push stuff here and at the federal level
25 which helps us here in Illinois, that would be

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1 very attractive. And, you know, George Soros,
2 and Buffet, and all those guys --"

3 Balanoff says:

4 "Right."

5 You say:

6 "-- you know, overnight can put 10, 15, 20
7 million dollars in an advocacy group like that,
8 couldn't they?"

9 Balanoff says:

10 "Right, they could."

11 And you say:

12 "Yeah, and then we could help our new senator
13 Valerie Jarrett go out --"

14 And Balanoff says:

15 "Yeah, there you go."

16 And you say:

17 "-- push that."

18 Now, when you said "creating a 501(c)(4) if
19 you're no longer elected official which could
20 possibly work with right now," what were you saying
21 there, Rod?

22 A I was talking about we have this organization
23 that I'd use while I was governor, and then when I
24 was no longer governor, the possible idea of me
25 potentially working there. But Bill Quinlan had

1 told me that I could not do that, that was not a
2 legal thing to do if you were going to do this for
3 the Senate seat --

4 MR. SCHAR: (Counsel standing.)

5 THE COURT: The objection is sustained. The
6 answer is stricken. The jury is instructed to
7 disregard it.

8 BY MR. GOLDSTEIN:

9 Q And when you said, "while I'm an elected
10 official, help me push stuff here and at the federal
11 level which helps us here in Illinois," what were
12 you talking about there, Rod?

13 A That I would -- that what I wanted to do was to
14 have this 501(c)(4) issue advocacy organization up
15 and running to help me push my healthcare agenda in
16 Illinois. And that, again, George Soros and Buffet
17 and those guys, those wealthy, national figures,
18 would they be willing to help us, they can do it
19 quickly, and I can get us off and running and use it
20 for the next legislative session.

21 Q And then you say:

22 "And then we could help our new senator Valerie
23 Jarrett go out and push that."

24 what were you saying there, Rod?

25 A I was kinda throwing a bone at Tom. His

1 candidate, Valerie Jarrett, was apparently no longer
2 in the mix, but that, "Tom, you should know, you
3 know, I took your candidate seriously and, you know,
4 if, in fact, you know, she's interested in being a
5 senator still, I have made no decision, I'm not
6 ruling her out.

7 q At this time on November 12th, what was your
8 understanding as to Valerie Jarrett being in the
9 race for the Senate seat?

10 A Early that morning before this call, it was
11 publicly announced that she was not interested in
12 the Senate seat, that she was going to take a big
13 position, high-level position in the White House.

14 q And at Page 8, Balanoff says:

15 "So let me, let me see if I can, well, let me
16 move this idea and see where, let me put that
17 flag up and see where it goes."

18 You say:

19 "Okay, you'll let me know."

20 Balanoff says:

21 "Absolutely, I'm in Washington now. I'll be
22 back tomorrow. I'll reach out no later than
23 tomorrow."

24 when Balanoff said "let me move this idea
25 and see, let me put that flag up and see where it

1 goes" what did you understand him to be saying
2 there?

3 A I understood him to be saying that he was going
4 to take this idea and run it up the flagpole and see
5 if anybody salutes it, that's the phrase, and see if
6 anybody wanted to salute the idea.

7 q If we can -- actually, before we move to the next
8 tab: Shortly after this call, did you have a
9 telephone conversation with Bill Quinlan?

10 A Yes, I did.

11 q And in your conversation with Mr. Quinlan, did
12 you discuss what you had talked about with
13 Mr. Balanoff?

14 A Yes.

15 q And when you told him what you told Mr. Balanoff,
16 did Mr. Quinlan then say, "good, good, he's the
17 right guy to work through," did he say that to you?

18 A Yes.

19 q Now, if we can turn to tab 37.

20 On tab 37, according to the transcript, what
21 is the date and time of this call?

22 A This is tab 37, Aaron?

23 q Tab 37.

24 A Okay, November 12th, 2008, at 10:44 in the
25 morning.

1 q who are the speakers?

2 A Me and John Harris.

3 q And if you can go to Page 2, line 14, you say:

4 "But I told him about 501(c)(4) idea, 10, 15, 12
5 million. He's gonna run that up the flagpole,
6 see if she's interested."

7 Harris says:

8 "Okay."

9 You say:

10 "what do you think of that, have him do it."

11 And Harris says:

12 "That's fine."

13 what were you saying here, Rod?

14 A I was relaying to Harris what I talked to Tom

15 Balanoff about, that I raised the idea of the

16 501(c)(4), and then that he -- he's going to run it
17 up the flagpole and sees if she's interested, so

18 presumably see if Valerie Jarrett was still

19 interested in being a senator, or whatever, but he

20 was going to run it up the flagpole.

21 q And turn --

22 A Then I asked him what he thought of that.

23 q And what was his response?

24 A "That's fine."

25 q And if we turn to tab 38, and according to the

1 transcript, what's the date and time of this call?

2 A November the 12th, 2008, at 10:47 in the morning.

3 Q And who were the speakers?

4 A Me and Tom Balanoff and Mary Stewart. She'll get
5 off the phone immediately, it turns out.

6 Q And if you can turn to page 3.

7 On page 3, line 3, you say:

8 "Okay, 501(c)(4), I mean use your judgment on
9 how we talk about that."

10 Balanoff says:

11 "Yeah."

12 You say:

13 "What do you think about that concept, that
14 idea?"

15 Balanoff says:

16 "Hey, I think it's great, you know, but, hey,
17 what you, you and I a lotta times think
18 something is great --"

19 You say:

20 "Yeah."

21 He says:

22 "-- it's unfortunate that other people don't.
23 I think it's a great idea."

24 And then you say:

25 "Don't forget, we always, we always have the

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1 option of me just f'ing sending me there, you
2 know what."

3 Balanoff says:

4 "You bet."

:00AM

5 when you said, "okay, 501(c)(4) I mean, use
6 your judgment on how we talk about that," what were
7 you saying there, Rod?

:01AM

8 A In other words, I was telling Tom Balanoff, who
9 was a friend and someone I trusted, to use his
10 judgment when he runs up the flagpole on the idea of
11 a 501(c)(4). Don't promise it, don't say I made any
12 decision, just be careful, use your judgment because
13 I haven't decided anything, we're just testing ideas
14 and floating ideas and sending feelers out.

:01AM

15 And he said, "yeah." Then I went on to ask
16 him, so what do you think of that concept, what do
17 you think of that idea.

:01AM

18 And then Tom, God bless him, says, "I think
19 it would be great," you know. Then he says -- and,
20 in retrospect, I see what he's doing, at the time I
21 believed him. A lot of times you think something is
22 great, but unfortunately other people don't. I
23 think it's a great idea, I think as we heard from
24 him --

:01AM

25 MR. SCHAR: (Counsel standing.)

1 THE COURT: Sustained.

2 BY MR. GOLDSTEIN:

3 Q At the time Mr. Balanoff was telling you "I think
4 it's a great idea," what did you understand him to
5 be saying?

6 A That he agreed with me, he thought it was a great
7 idea.

8 Q Now, if you can just turn back to Page 1 on this
9 tab, and Balanoff says:

10 "So, you know, there was a CNN report yesterday
11 that said she was going to the White House. I
12 just want, I'm gonna use that and say, hey,
13 Val, you know, where we at, should you know
14 what, I won't even mention, I won't mention
15 Rahm at all."

16 When Balanoff is talking about the CNN
17 report, did you understand him to be talking about
18 the same report that you and Harris --

19 A That Valerie Jarrett was staying in the White
20 House and not interested in the Senate seat.

21 Q If you can turn to tab 39, and according to
22 transcript, Rod, what's the date and time of this
23 call?

24 A November 12th at 10:50 in the morning.

25 Q And who are the speakers?

1 A Me and Patti.

2 Q And if you can turn to Page 2, on line 26, you
3 say:

4 "I, I suggested my 501(c)(4), he's not sure she
5 doesn't want it and he doesn't trust Rahm, so
6 he's gonna try to push her some more, just go
7 to Valerie Jarrett."

8 Patti says:

9 "Yeah."

10 You say:

11 "So I said, look, look, man, she can be a
12 senator, I want this 501(c)(4) thing."

13 When you said to Patti "look, man, she can
14 be a senator, I want this 501(c)(4) thing," what
15 were you saying there, Rod?

16 A Well, obviously I wasn't saying exactly what I
17 said to Tom Balanoff because you just heard it.

18 I think what I was doing there was just kinda
19 giving Patti a quick little shorthand. So I wasn't
20 directly quoting it, but I was just kind of saying,
21 hey, you know, even though I didn't tell Balanoff,
22 look man, she can a senator, I was basically saying,
23 hey, Tom, I'm not ruling out the possibility that I
24 could choose her as senator. I'm not saying she's
25 gonna be, but I'm not saying she's not gonna be.

1 And then I said that I mentioned to him that I was
2 interested in the idea of a 501(c)(4).

3 q At this point, had you made any decisions
4 regarding the 501(c)(4) and the Senate seat?

5 A No.

6 q And on Page 4, on line 6, you say:

7 "Jesse, Jr. is promoting a Zogby poll that makes
8 him the choice of most Illinoisans."

9 Patti says:

10 "Yeah."

11 You say:

12 "Jesse, Jr."

13 Patti says: "Yeah, right."

14 "The, there's just no way I'm appointing him,
15 man, are you kidding, you got to be kidding
16 me."

17 what were you saying here, Rod?

18 A A new poll came out by the Zogby polling firm
19 that Congressman Jackson was promoting,
20 understandably since in match-up the poll had, there
21 are different candidates in there. He was in first
22 place ahead of, I believe, Lisa Madigan, Tommy
23 Duckworth, there were some others.

24 And so he was promoting that, you know, to
25 elevate his chances, which was sensible politics. I

1 wanted to share that with Patti, and then I wanted
2 to say what I just said, which is, you gotta be
3 kidding me, there's no way I'm appointing him.

4 q Did that accurately reflect your state of mind
5 when it came to Jesse Jackson, Jr., in appointing
6 him?

7 A Yes.

8 q And if we can turn to tab 40.

9 Rod, according to the transcript, what is the
10 date and time of this call?

11 A November the 12th at 12:36 p.m.

12 q And who were the speakers?

13 A Me and John Harris.

14 q And at the top of the page you say:

15 "Here's my criterion, you want to hear it now.
16 I told Patti."

17 Harris says:

18 "Yeah."

19 "These three criterion in this order: Our
20 legal situation, our personal situation, my
21 political situation, this decision like every
22 other one needs to be based upon on that,
23 legal, personal, political, what do you think?"

24 when you said "this is my criterion," you
25 say "legal, personal, political," what were you

1 saying there, Rod?

2 A So now I'm testing with John Harris, you know,
3 new thoughts that are in my mind in terms of a
4 potential criterion to take into consideration:
5 First, our legal situation.

:06AM

6 Again, very fearful of what was happening and
7 making sure that whatever we did was legal and so I
8 don't cross because I feel I'm going to get my clean
9 bill of health.

:06AM

10 Second, our personal situation. I'm putting
11 my family, my kids, whatever decisions I make, I'm
12 going to put that ahead of my politics, that's what
13 I'm telling John, politics is third.

14 q When you say "this decision," what are you
15 talking about there?

:07AM

16 A The decision that I'm going to make on senator.
17 And one of the considerations was whether or not I
18 would become a senator myself, whether I do that.
19 And that was a personal, political dynamic, and --

:07AM

20 q Okay. Turn to tab 42.

21 A 42?

22 q 42, yeah.

23 On top of the page, what's the date and time
24 of the transcript -- or the date and time of the
25 call according to the transcript?

:07AM

1 A November the 12th, 2008, at 5:30 in the
2 afternoon.

3 Q And who are the speakers on this?

4 A Me and John Harris.

5 Q And on Page 2, line 2, Harris says:

6 "Right, but you know, I still think we gotta, we
7 gotta demonstrate to him how, you know, you're,
8 you're, you know, he's not forgotten back here.
9 You know, so if he picks anyone else, you know,
10 they're not going to help him. I says, they're
11 not even gonna return his call, right? I kinda
12 put it to him like that. I said, you, on the
13 other hand, you know, you'd lobby for him, you
14 stand up with him, you travel with him, you
15 would be for him, you know, and you got all
16 your friends and allies and as a senator, you'd
17 have new friends and allies and you'd help
18 someone like Rod. Oh, yeah, absolutely. I
19 says, you know, well, what are you gonna do
20 with this big bucket of money."

21 And then Harris laughs.

22 what did you understand John Harris to be
23 talking about there?

24 A what he's telling me is that he apparently -- I
25 think he was in Springfield that day and I think --

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1 I think he was telling me about the discussion he
2 had with Senate President Jones. And that what he
3 was indicating to Senate President Jones was that if
4 I do decide to pick him as a senator, you know, he
5 shouldn't forget me back here in Illinois.

6 Senate President Jones fully understood the
7 dynamics and the politics of Springfield. And that
8 Harris went on to say, you know, if he picks anyone
9 else, they're not going to help him, they're not
10 even going to return his phone calls, but hey,
11 Emil -- he says he indicated to him, "you, on the
12 other hand, you'd lobby for him, you'd stand up for
13 him, you travel with him," in other words, he'd try
14 to push my agenda and help me pass the things that
15 he had helped me do when he was Senate President.

16 And you got all your friends and allies,
17 you'd also bring your political support and network,
18 and friends and allies, to be helpful, too, to help
19 me, that's what I understood Harris to be saying.

20 And then Harris indicated that Emil indicated
21 "oh, yeah, absolutely," and then Harris went on to
22 say this, which is, "you know, well what are you
23 going to do with this big bucket of money," and he
24 laughs when he tells me that.

25 Q When he said "this big bucket of money" did you

1 understand that at that time?

2 A I thought what Harris was talking about was that
3 he had teased Emil Jones about his campaign fund,
4 that Harris must have felt he had a lot of money in
5 his campaign fund.

6 Q Did you instruct Harris to go talk to Emil Jones
7 about big buckets of money?

8 A No.

9 Q And on Page 3 -- actually -- yeah, on Page 3,
10 Harris says, on line 3:

11 "I was like, well, that's good, that's good to
12 hear. You guys gotta have that discussion."

13 And you say:

14 "How's he gonna help me?"

15 what were you saying there when you are
16 saying "how's he going to help me," Rod?

17 A well Harris goes on to say what Emil's plans are,
18 that he wants to be a senator and make money in his
19 career afterwards.

20 And then -- and then he goes on to say okay,
21 that's well and good, Emil, appreciate that, but he
22 should have a discussion with me about how he can --
23 he should talk to me about what I -- what -- what
24 could be our relationship after I make him a senator
25 should I decide to do that.

1 And so then I asked the question, "okay, so
2 how's he going to help me," in other words, did he
3 say anything about any way to help me, I believe
4 that's what I'm saying there.

:11AM

5 Q And did you ever have a conversation after this
6 date with Emil Jones about the Senate seat?

7 A No.

8 Q And on Page 4, Harris on line 16 says:

:12AM

9 "In other, in other words, he acknowledges to me
10 privately that he recognizes Obama isn't going
11 to be championing his cause."

12 You say:

13 "So does he think it's possible I could send
14 myself, or did he dismiss that?"

:12AM

15 Harris says:

16 "No, he thinks it's possible."

17 When you said "so does he think it's
18 possible I can send myself," what were you saying
19 there, Rod?

:12AM

20 A I was talking to Emil over the previous several
21 weeks and months after he told me he was interested
22 in the Senate seat, when we would get together I
23 would joke and tease with him and tell him you're my
24 second favorite potential candidate for senator. In
25 other words, I was my first favorite and Emil,

:12AM

1 you're my second favorite.

2 It was just a thing that I did. And so there
3 were statements that were said in the spirit of I
4 was joking around with him, but now I'm asking
5 Harris whether or not he really thinks it's possible
6 that I might actually really think of the
7 possibility of sending myself to the Senate. And
8 then Harris indicated, yeah, he thinks it is in
9 fact, and not just me joking around.

10 q On Page 6, Harris says on line 9:

11 "Yeah, no doubt." So that was about the sum and
12 substance of it."

13 You say:

14 "You really think he thinks I, that I'm
15 considering myself or is that just 'cause you
16 put it in his head?"

17 Harris says:

18 "I can't really tell you how he felt about it
19 before I came in there. I can tell you after I
20 left, he thought it was more real. Or he
21 thought it was real. I don't want to say more
22 because that implies I knew how, how he felt
23 about it before."

24 You said:

25 "So he's not going to do anything to take away

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1 that power from me, is he?"

2 Harris says:

3 "No, no."

4 And you say:

5 "And you know what I'm saying."

6 And Harris says:

7 "No, no, not at all. No, I, the impression I
8 wanted to leave was you're at the top of the
9 list, meaning him."

10 when you said "you really think he thinks
11 I'm considering myself or is it just because you put
12 it in his head," are you continuing the conversation
13 you had about seeing if Emil truly believed you were
14 potentially appointing yourself?

15 A Yes, this is important because this was the
16 beginning of the veto session and Senate President
17 Jones needed to stand by my budget cuts, and I was
18 afraid he would maybe get angry and undo those and
19 we would have a problem.

20 I would've -- I think that was an unlikely
21 scenario, but in this extreme thinking of possible
22 worst case scenarios, we had discussed that
23 possibility.

24 And that if either he or Madigan, if they
25 didn't feel like I was moving in the direction of

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1 picking a senator that they might want, they might
2 have the legislative power to take that choice away,
3 and decision way, and that's what I was asking.

4 (Brief pause.)

5 THE COURT: He's answered your question.

6 MR. GOLDSTEIN: Yes.

7 BY MR. GOLDSTEIN:

8 Q So when you said "so he's not going to do
9 anything to take away that power from me," what
10 power were you talking about?

11 A The power, the legal authority to pick the next
12 senator.

13 Q And if we could turn to tab 44, and what's the
14 date and time of this call, according to the
15 transcript?

16 A November 13th at 12:21 p.m.

17 Q Who are the speakers?

18 A Me and Doug Scofield.

19 Q If you can turn to Page 3, and on line 18 you
20 say:

21 "No, they don't want me there, anyway. So do we
22 talk to Tom Balanoff to see if Andy Stern can
23 go to Rahm and say, hey, look, will you help
24 this guy with this 501(c)(4) on healthcare, you
25 follow me?"

1 Scofield says:

2 "Okay."

3 You say:

4 "And I, and my, my strategic goal would be to
5 have Rahm have it in his head sooner rather
6 than later, like today, tomorrow. Not in
7 connection with Senate appointment or, or
8 anything in the 5th CD."

9 Scofield says:

10 "Okay."

11 "You know, just sort of like, hey, this is what
12 is there a way to help him you guys get Buffy,
13 Warren Buffet, and all these guys to fund it,
14 you see what I'm saying, Doug?"

15 When you say "no, they don't want me" there,
16 what were you talking about, Rod?

17 A I was talking about the Obama -- the -- the
18 beginnings of the Obama administration and the
19 Democratic establishment in Washington, that the two
20 candidates they most -- well, that I, Jesse, Jr.,
21 Emil Jones, were the three that I believed they
22 least wanted to come -- to become a senator.

23 Q Then you go on to say:

24 "Anyway, so do we talk to Tom Balanoff to see if
25 Andy Stern can go to Rahm and say, hey, look,

1 will you help this guy with this 501(c)(4) on
2 healthcare."

3 what were you saying there, Rod?

4 A I was asking Doug, who worked for SEIU, that ask
5 them whether he thought -- what he thought of the
6 idea of talking to Tom Balanoff to see if Andy
7 Stern, who's the head of the international union,
8 and go to Rahm and say, hey, look, will you help
9 this guy with a 501(c)(4) on healthcare, I was
10 asking Doug what he thought about doing that, and
11 Doug said okay.

12 Q And later on in the page you say:

13 "And I, and my, my strategic goal would be to
14 have Rahm have it in his head sooner rather
15 than later, like today, tomorrow, not in
16 connection with Senate appointment or anything
17 in his fifth CD."

18 what were you saying there, Rod?

19 A I was saying that my strategic goal was to see if
20 I could get answer or a sense of whether he might or
21 might not be willing to help me sooner rather than
22 later because I envisioned that being helpful to me
23 in the next legislative session.

24 But then I was very clear to Doug not in
25 connection with the senate appointment or anything

1 in Congressman Emanuel's Fifth Congressional
2 District. I wanted to be clear, don't promise
3 anything I'm not prepared to do, don't promise
4 anything I haven't decided to do, make it clear,
5 however you express it, to not do that.

:18AM

6 q And was that your state of mind when you were
7 talking to Doug about this?

8 A Yes.

9 q And you go on further to say:

:19AM

10 "You know, just sort of, hey, this is what is
11 there, is there a way to help him, you guys get
12 Buffet, Warren Buffet, and all these guys to
13 fund it."

14 what were you saying there, Rod?

:19AM

15 A Yeah, just to get a sense of whether or not, you
16 know, Rahm might be willing to talk to these guys to
17 see if they'd help me.

:19AM

18 I thought that Rahm had relationships with
19 them, I wasn't even sure, but I thought he did, and
20 to see if that idea made any sense to Rahm and
21 whether he might be willing to do that.

22 q And on Page 4 Scofield says, on line 1:

23 "I do, but this, this, we're not talking as part
24 of discussions for anything else."

:19AM

25 You say:

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1 "well, it's unsaid, you understand what I'm
2 saying?"

3 Scofield says:

4 "Yeah."

5 You say:

6 "It's unsaid."

7 what Scofield says "we're not talking as
8 part of discussions for anything else" and you said,
9 "well, it's unsaid," what were you saying is unsaid?

10 A "Unsaid," don't say that this is connected to a
11 Senate appointment and don't say it's connected to
12 the discussions Congressman Emanuel and I had about
13 me helping him in the Fifth Congressional District,
14 don't say it, don't promise it, don't condition it,
15 don't connect it.

16 Q why did you say -- why did you tell Doug Scofield
17 to do that?

18 A Because I didn't want him to -- to convey
19 something that I wasn't prepared to do, that I
20 hadn't decided to do. I didn't want him to get the
21 wrong impression that I might be promising something
22 that I hadn't reached a decision on. So I wanted
23 him to be very careful on how he asked the questions
24 and floated the idea.

25 Q If you turn to tab 45, and according to the first

1 page of the transcript, Rod, what's the date and
2 time of this call?

3 A It's November the 13th, 2008, at 12:30 in the
4 afternoon.

5 q And who were the speakers on this?

6 A Me and John Harris.

7 q And on Page 1, line 3, you say"?

8 "Doug feels that, ah, the Balanoff, Andy Stern
9 thing to Rahm, too circuitous, and just take
10 too long and difficult to make happen. He
11 thinks Wyma's the better play."

12 What were you saying there?

13 A That Doug's opinion was that Balanoff or Stern,
14 as a practical matter, would take too long to see if
15 they get ahold of Rahm, and that he had suggested
16 that we ask John Wyma, who had a close relationship
17 with Rahm, if he was the better guy to ask the
18 question.

19 q Why didn't you want to talk to Rahm Emanuel about
20 it?

21 A Because the -- over the years -- well, let me
22 tell you my answer: I expected that there was no
23 way he was gonna say yes, that it was highly
24 unlikely that he was going to take time out what was
25 going to be an extremely busy schedule as the

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1 President's Chief of Staff, beginning a new
2 administration, with ambitious things that they
3 wanted to do, that he would have any time at all or
4 inclination to do this.

:22AM

5 And so I felt that even though it was highly
6 unlikely, why not see if he'd be willing to help.
7 You never know. And so it's just a lot easier for
8 him to feel uncomfortable to say no to a feeler like
9 a John Wyma than if I called him.

:22AM

10 I didn't want to make him to be in a position
11 where, you know, he'd have to say no to me. And I
12 was, frankly, being incentive to Rahm. And I
13 expected it would be a no. So before I even go to
14 the next step and consider whether I'm going to call
15 him and ask him, let's see if there's any
16 inclination whatsoever where he might be careful.

:22AM

17 And in the past, you know, I think I said it,
18 he generally -- I would ask him for stuff and he
19 would -- he would, through others, say no, he
20 couldn't do it. And that's what I expected to would
21 be the case here and I just wanted to save him the
22 -- you know, having to say it to me, it would just
23 be easier before I got to that point --

:22AM

24 Now I'm just rambling. I think I answered
25 the question, right?

:23AM

1 q Yeah, you did.

2 At this point, had you made any decisions
3 with regards to the 501(c)(4)?

4 A No.

5 q And if we can turn to tab 46, on Page 1, what's
6 the date and time of this call?

7 A November 13th at 12:35 in the afternoon.

8 q And who were the speakers?

9 A Me and Doug Scofield.

10 q And if we look at Page 1, line 9, you say:

11 "The message is, ah, you know, ask him if he can
12 call Rahm and just say, hey, look, this is
13 unrelated to the other stuff, but, you know, is
14 there, we would, I'd like, I want to put
15 together a 501(c)(4) for healthcare, and issue
16 advocacy, we'll put, we're putting together an
17 organization of a 501(c)(4) advocating
18 children's healthcare, you know, healthcare for
19 working families, okay? we'd like to be able
20 to use that, I would to, you know, play a role
21 to help them, well, I'd like to use that for
22 our efforts here in Illinois, but, you know, to
23 the extent that it can help Obama's efforts on
24 healthcare, that's good, too."

25 when you said "the message is, ah, you know,

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1 ask him if he can call Rahm and just say, hey, look,
2 this is unrelated to the other stuff," what were you
3 saying there?

4 A Here, again, I wanted to be very clear to Doug
5 that whatever message is conveyed to Rahm Emanuel
6 about a possible help to create a 501(c)(4), that it
7 is unrelated to any decision that I'm going to make
8 regarding a United Senate appointment or helping
9 Rahm Emanuel in the Fifth Congressional District
10 with setting election schedules and some of the
11 things he and I talked about, that they were
12 unrelated.

13 And I reiterate this because I want to be
14 very, very careful that a promise is not conveyed or
15 misunderstood that I wasn't prepared to keep at that
16 time, because I hadn't decided what I wanted to do,
17 I was just getting Johnny Johnston.

18 q And if you turn to Page 2, Rod, on line 33 you
19 say:

20 "And, ah, you know, and so the mission for Wyma
21 is to essentially put it in Rahm's head that we
22 would like them to help us, you know fund it.

23 Scofield says:

24 "Okay."

25 And you say:

1 "Right."

2 Scofield says:

3 "I assume while it's not said, this is a play
4 to --"

5 You say:

6 "Correct."

7 Scofield says:

8 "-- put in play other things."

9 You said:

10 "Correct."

11 And Scofield says:

12 "And is this because just so I understand
13 because we think there's still some life in
14 Valerie, potentially, or do we have another
15 play here?"

16 you say:

17 "I think there's still some --"

18 Scofield says:

19 "It doesn't matter to me, if it doesn't I don't
20 need to know."

21 And you say:

22 "Not so much her, but possibly her, but others
23 according to Knapp the politics is Rahm is
24 pushing Valerie real hard because he didn't
25 want her near him in the influence, you know,

1 of the president, do you follow me?"

2 when you were talking about the mission for
3 Wyma is to put it in Rahm's head that we would like
4 him to help us, you know, fund it, what were saying
5 there?

6 A In terms of putting it in Rahm's head, in other
7 words to do what I said a moment ago, and that is to
8 just get a sense of whether or not Rahm might be
9 interested in doing it.

10 And I'd like to get an answer sooner rather
11 than later so I could move ahead. I think I said
12 something like, I wanted in like the next couple of
13 days if I can get an answer. So I wanted him to put
14 it in his head and ask him the question and get a
15 sense of -- and hopefully get an answer that I
16 expect to be a no.

17 Q And Scofield on Page 3, line 3 says, "I assume
18 while it's not said, this is a play to put in play
19 other things," what did you understand Scofield to
20 be talking about here?

21 A I think what Scofield is saying is that, you
22 know, you don't promise anything, but is there --
23 he's saying is this something that might have --
24 that might -- that Valerie Jarrett might still have
25 life in her, might still be interested in being a

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1 senator, I think that's what I interpreted to him to
2 be saying there.

3 Go ahead. I'm sorry.

4 Q No, that's okay.

5 And on line 15 you say:

6 Not so much her, but possibly her, but others
7 according to Knapp the politics is Rahm is
8 pushing Valerie real hard because he didn't
9 want her near him in the influence, you know,
10 of the president, do you follow me?"

11 what were you saying?

12 A Not so much her because she was out of it, she
13 wasn't in the mix. So I was basically saying it
14 doesn't matter, and that I went on to explain to him
15 what Bill Knapp had told me, that that whole dynamic
16 was, and that it was Rahm wanting to be closer to
17 President Obama and -- and wanting to move in that
18 dynamic sort of exile Valerie Jarrett to the Senate,
19 that's what was told to me, so I'm passing that
20 along.

21 MR. GOLDSTEIN: I'm going to turn to another
22 call, Your Honor, I don't know if you want to take a
23 break?

24 THE COURT: Yeah, we'll take a break.

25 THE MARSHAL: All rise.

1 (The following proceedings were had out of the
2 presence of the jury in open court:)

3 THE COURT: You can step down.

4 we'll begin again 11:40.

5 what is the next one?

6 MR. GOLDSTEIN: I'm sorry?

7 THE COURT: The next tab.

8 MR. GOLDSTEIN: The next tab is 47.

9 THE COURT: We're in recess.

10 (Recess.)

11 THE MARSHAL: All rise.

12 (The following proceedings were had in the
13 presence of the jury in open court:)

14 THE COURT: Be please be seated.

15 MR. GOLDSTEIN: Thank you, Your Honor.

16 BY MR. GOLDSTEIN:

17 Q Rod, when we left off, you were talking about
18 conversations you had with Doug Scofield and you
19 talked about you didn't want to connect the two, the
20 501(c)(4) with the Senate seat, is that right?

21 A Yes.

22 Q why was it so important for you to communicate
23 that to Mr. Scofield?

24 A well, if you closely, Doug seems to be trying to
25 connect the two and I want to be abundantly clear to

1 him that how he conveyed -- I wanted to be
2 abundantly clear that he was going through John Wyma
3 to Rahm Emanuel. So to go out from Doug Scofield,
4 to John Wyma, to Rahm Emanuel, so I wanted to be
5 very clear don't connect the two, though he seems to
6 be sort of indicating that. I didn't want it to get
7 lost in translation, so I kind of reiterated it and
8 told unrelated him and that's how he should handle
9 it. But I didn't want to, again, make a promise I
10 wasn't prepared to deliver on because I hadn't
11 decided what I wanted to do.

12 Q And on tab 47, according to the transcript, what
13 is the date and time of this call?

14 A November 13th, 2008, at 3:41 in the afternoon.

15 Q And who are the speakers?

16 A Me and Doug Scofield.

17 Q And if you can turn to Page 3, if you look at
18 line 16, Doug Scofield says:

19 "Well, look, I think if you can come to an
20 agreement, it's great to do it before veto
21 session, but you shouldn't be rushed."

22 You say:

23 "Agreement with who? No one is talking, you
24 know what I'm saying?"

25 Scofield says:

1 "Yeah, well, that's true, I got, the only
2 agreement is with, ah, look the only person
3 whose worth doing because they can offer
4 something and it's worthwhile and there's
5 benefit is Valerie."

: 49AM

6 when Mr. Scofield said "the only one who is
7 worth doing because they can offer something and
8 it's worthwhile and there's benefit is Valerie,"
9 what did you understand him to be saying to you?

: 49AM

10 A That he was saying that, in his opinion, the only
11 worthwhile candidate for senator that I should think
12 about -- well, he says "the only person worth doing
13 because they can offer something," what Doug is
14 saying is just that, that he thought Valerie,
15 there's a benefit to Valerie because they can offer
16 something. That's Doug telling me what he thinks.

: 50AM

17 Q Now, in these conversations, there's lot of
18 discussion about 501(c)(4), is that right, Rod?

19 A Yes.

: 50AM

20 Q Did you ever instruct anyone to go ahead and make
21 a deal the Senate seat in exchange for a 501(c)(4)?

22 A No.

23 Q Did you ever promise to appoint Valerie Jarrett
24 or any senator in exchange for a 501(c)(4)?

: 50AM

25 A No.

1 q Had you made any decisions in terms of the Senate
2 seat and a 501(c)(4)?

3 A No decisions.

4 q And was this 501(c)(4) idea discussed much after
5 these days of November 13th?

6 A No.

7 q Now, after this time, around November 13th, did
8 you continue to talk about the potential senators?

9 A Yes.

10 q And was one of the people that you continued to
11 think about and discuss was appointing yourself?

12 A Yes.

13 q And on November 14, 2008, did you have a
14 conversation with Robert Greenlee?

15 A I believe I did.

16 q And did you discuss with Mr. Greenlee the
17 possibility of appointing yourself?

18 A I very well may have.

19 q And in your discussion with Mr. Greenlee about
20 the Senate seat and appointing yourself, did you
21 discuss the idea of you appointing yourself in going
22 to Afghanistan and trying to track down Osama Bin
23 Laden?

24 A Yes.

25 MR. NIEWOEHRER: Objection. Not relevant.

1 THE COURT: Sustained.

2 BY MR. GOLDSTEIN:

3 Q Is it fair to say, Rod, after November 13th and
4 before November 13th you talked about a lot of
5 different ideas concerning the Senate seat?

6 A Before November 13th, during November 13th, after
7 November 13th, I talked a lot about a lot of ideas.

8 Q And Lisa Madigan was one of ideas you spoke about
9 as you testified to, is that right?

10 A From the beginning to the end, throughout the
11 entire period she was always on my mind.

12 Q And on November --

13 A I love that song.

14 Q On November 21st, 2008, did you have a
15 conversation with Mr. Greenlee about the Senate
16 seat?

17 A Yes.

18 Q And in that conversation, did you discuss the
19 idea of Lisa Madigan?

20 A I believe I did.

21 Q And in that conversation, did you ask Robert
22 Greenlee to come up with a list of things that may
23 potentially be offered in exchange for Lisa Madigan?

24 A Yes, I did.

25 MR. GOLDSTEIN: May I approach, Your Honor?

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1 THE COURT: You may.

2 BY MR. GOLDSTEIN:

3 q Now, Rod, when you spoke to Mr. Greenlee and
4 asked him to make a list, did Mr. Greenlee come back
5 to you with a typed up list?

6 A Yes, he did.

7 q I want to show you Defense Exhibit Lisa Madigan
8 List.

9 Do you recognize this document?

10 A Yes.

11 q What is this document?

12 A I love this document. It's a document that talks
13 about the things we want to get from her father in
14 exchange for making her a senator.

15 q And is this a document that Mr. Greenlee provided
16 to you?

17 A Yes.

18 q And if you look through that document, is it in
19 the same or substantially the same condition as when
20 Mr. Greenlee gave it to you?

21 A Yes.

22 MR. GOLDSTEIN: Your Honor, we ask to admit
23 Defense Exhibit Lisa Madigan List.

24 MR. SCHAR: Judge, just for foundation, when
25 did the defendant receive the list?

1 BY MR. GOLDSTEIN:

2 Q Rod, when did you receive this list?

3 A This would've been, in all likelihood, the same
4 day that I was talking to Bob Greenlee, I believe,
5 to the best of my recollection.

6 Q So approximately November 21st?

7 A On or about November 21st when he and I talked
8 about it, in all likelihood, is when I would've
9 received this list. We would have worked off of it.
10 I do remember talking to him about the different
11 things I wanted and how we would pay for it.

12 Q And this list was given to you in response to
13 your request of Mr. Greenlee to make this list, is
14 that right?

15 A I didn't request Mr. Greenlee to make this list,
16 I directed him to come up with this list and make
17 it.

18 MR. GOLDSTEIN: Your Honor, we ask to admit
19 this.

20 MR. SCHAR: No objection.

21 THE COURT: Admitted.

22 (Defendant's Exhibit Lisa Madigan List was
23 received in evidence.)

24 MR. GOLDSTEIN: We ask to publish.

25 THE COURT: You may.

1 (Exhibit published to the jury.)

2 BY MR. GOLDSTEIN:

3 Q Okay, Rod, can you see that?

4 A I can see it here (indicating.)

:55AM

5 MR. GOLDSTEIN: Can everyone see it okay?

6 BY THE WITNESS:

7 A It looks a little blurry, Aaron.

8 BY MR. GOLDSTEIN:

9 Q Is that less blurry now?

:56AM

10 A I have it here (indicating).

11 Q Well, we'll zoom in.

12 A Okay.

13 Q Is this the first page of the list that

14 Mr. Greenlee provided to you?

:56AM

15 A Yes.

16 Q If we could just go through this list.

17 Up on top it indicates "capital bill," is
18 that right?

19 A Yes.

:56AM

20 Q And when it says "alternatives," what did you
21 understand this document to be?

22 A This was a document that basically it -- it put
23 it all in there. This would've been the perfect
24 scenario if I was able to get all of this.

:56AM

25 And so these were a bunch of potential

1 alternatives. And I asked for as much as I can get,
2 give it to me all, let's see how much that she can
3 ultimately get when you begin the negotiation, if
4 you ever do.

:56AM

5 Q The top of the list, what does it indicate?

6 A And the other part of it is, we were suggesting
7 ways that --

8 THE COURT: Wait, wait, wait.

9 Answer his question.

:57AM

10 BY MR. SOROSKY:

11 Q What does the top of the list indicate?

12 A The top of the list talks about the capital bill
13 and it describes it as an infrastructure bill that
14 will create 500,000 jobs and sustain the Illinois
15 economy during the economic crisis that we were in
16 at that time.

:57AM

17 Q Now, you had talked about a lot before and the
18 previous days that the capital bill is something
19 that you wanted to get passed, is that right?

:57AM

20 A Yes.

21 Q Okay. Was the idea of Lisa Madigan and this
22 proposed deal, was that one of the ways you were
23 trying to get the capital bill done, as well?

:57AM

24 A I believe this was the ace in the hole, that this
25 was how I could get this capital bill, and this was

1 my perhaps last hope to get that and a lot of
2 healthcare expansion and other things.

3 q You mentioned healthcare expansion, that's the
4 second thing on the list, is that right?

5 A Yes.

6 q And just, generally, what did healthcare
7 expansion mean as far as part of this deal?

8 A Without healthcare expansion, I wasn't
9 interested. I was more interested in healthcare
10 expansion than I was the capital bill. And both
11 Greenlee and I worked on this in terms of the
12 different programs and how we would get to where we
13 were trying to go.

14 q And then it says under healthcare expansion "no
15 tax increase"?

16 A That's no income tax increase, no sales tax
17 increase. We did suggest a cigarette tax increase
18 to pay for the healthcare projects because of the
19 link between, obviously, cigarette smoke and lung
20 cancer, there was a healthcare component to it.

21 But no income tax or sales tax increase, that
22 was also a precondition. That would be a written
23 promise, you can't pass anything and not do that,
24 you just gotta have a promise.

25 q And then it goes on to budget relief, what did

1 you understand budget relief meant?

2 A Budget relief meant that these -- these first
3 three things are what I would settle for. Now this
4 is the greedy part, let's see how much more I can
5 get possibly.

6 So budget relief is, we have an agreement
7 between Madigan and I and then Cullerton, who would
8 become Senate President, to balance the next two
9 budgets for the next fiscal years, how to do it. I
10 would prefer to get that upfront, that would give me
11 more confidence that they wouldn't raise income tax
12 on the people.

13 Q And then the second page, this is the second page
14 of that list that you had Mr. Greenlee prepare?

15 A That's correct.

16 Q And if we zoom in, the next topic is homeowners
17 relief, what -- what did you want in terms of
18 homeowners relief?

19 A This was really important. There was a mortgage
20 foreclosure crisis at that time, the housing, the
21 prime mortgage crisis. 4,000 people were being
22 thrown out of their homes every day in Illinois as a
23 result of that --

24 MR. SCHAR: Objection. Nonresponsive to the
25 question.

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1 THE COURT: Yeah, it wasn't responsive.

2 THE WITNESS: Okay.

3 BY MR. GOLDSTEIN:

4 Q As far as the homeowners relief, what is it you
5 wanted in terms of this homeowners relief?

6 A I wanted, among other things, to pass Jackie
7 Collins' bill that Madigan wouldn't call in the
8 house that would put a 90-day moratorium on throwing
9 people out of their homes, mostly poor people.

10 And I wanted that passed and Madigan wasn't
11 calling it. The senators, the state senate, passed
12 it.

13 And then I wanted property tax exemption for
14 disabled veterans that served our country and were
15 hurt in the war.

16 I wanted an increase in homestead property
17 tax exemption to \$40,000, an idea that the Cook
18 County Assessor at that time --

19 MR. SCHAR: Objection.

20 THE COURT: Sustained.

21 BY MR. GOLDSTEIN:

22 Q And then it goes on "additional policy and
23 priorities." Just generally, what were some of the
24 additional policies and priorities you were
25 considering in terms of the Lisa Madigan deal?

1 A I mean, I love this. I look like a child --
2 okay, non-responsive to the question.

3 Here is this just an excellent thing: Early
4 childhood education, more funding for preschool for
5 3 and 4 year olds. Extremely important for children
6 to be educated today.

7 Climate change initiatives. I just -- we
8 were involved with Governor Schwarzenegger in
9 California on climate change. I had some ideas that
10 we picked up there.

11 Poverty reduction, very important to do
12 things like food deserts in low income communities
13 where kids don't have access to fresh fruits and
14 vegetables. There's a real difference between even
15 the south side of Chicago and the north side of the
16 Chicago, you can just see it --

17 MR. SCHAR: (Counsel standing.)

18 THE COURT: Just do the list without the
19 campaign speech.

20 THE WITNESS: Yes, Judge.

21 Small business initiatives to help small
22 business owners. Increased funding for schools.

23 BY MR. GOLDSTEIN:

24 Q Then the final page is a continuation of the
25 additional policy priorities, is that correct, Rod?

1 A Small business owners have a hard time affording
2 insurance. I wanted to help individual, small
3 business owners. Tax credits for small businesses,
4 I thought they were great ideas.

:02PM

5 And then we had this idea to pay for some of
6 this by putting cameras in the highways and if you
7 got caught speeding, then the revenues would help
8 pay for some of those, not nearly all of it.

:02PM

9 And then there is after school programs, as
10 well.

11 Q Were a lot of these potential initiatives things
12 that you needed Mike Madigan assistance on?

:02PM

13 A I couldn't get any of it done without Michael
14 Madigan, unless I found creative ways around him,
15 but we needed him to do this.

16 Q Now, going on to late November and the beginning
17 of December, you mentioned that you went to
18 Philadelphia for this governors meeting, is that
19 right?

:03PM

20 A Yes.

21 Q And who was it that went with you?

22 A It was Bob Greenlee, my deputy governor; Bill
23 Quinlan, Lucio Guerrero, my communications director.

:03PM

24 Q Okay. And did you meet Fred Yang and Bill Knapp
25 in Philadelphia?

1 A Yes.

2 Q And when you met Mr. Yang and Mr. Yang, along
3 with your staff, did you all discuss the Senate
4 seat?

:03PM

5 A Yes, the purpose of the meeting was to get close
6 to a final decision on who I should choose for
7 senator, and if the first option didn't work out,
8 what the potential fallbacks might be.

:03PM

9 Q And when you discussed all the Senate seat
10 possibilities, who was it, as far as candidates,
11 that you discussed?

:04PM

12 A We talked a lot about Lisa Madigan and the deal,
13 the mega-deal that I called. We talked about the
14 possibility of me. We talked about Eric Whitaker,
15 Dr. Eric Whitaker. If I couldn't get the Lisa
16 Madigan deal, maybe I would pick President Obama's
17 close friend who served me at public health, talked
18 a lot about him. We talked about Congressman Danny
19 Davis, Jr. We talked about Gery Chico, who I have
20 very strong positive opinions about.

:04PM

21 Q Was there any agreement as to who the frontrunner
22 of the Senate candidates would be?

:04PM

23 A Right, the first option was the Madigan deal,
24 that became the first option. It was beginning to
25 crystalize in the days leading up to that, but it

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1 was decided at that meeting that she would be the
2 first option, if that deal, if we can get it.

3 Q Coming out of the meeting in Philadelphia, had
4 you made any decisions regarding the Senate seat?

5 A No, I left there believing that the Madigan
6 situation was going to be the first option, but I
7 still had to get through some of those petty
8 personal things just to make sure I was comfortable
9 with it.

10 And I think like the next day that something
11 happened, got me a bit angry at them, and for a
12 couple of hours she was no longer the first option,
13 but then she got back on there.

14 Q So a lot of the ideas would come and go, is that
15 fair to say? As far as potential Senate candidate?

16 A Yes, that's correct. But her star was rising a
17 lot at this point as being a goal that I was hopeful
18 I might be able to get done.

19 Q Was one of the problems with this Madigan deal
20 idea the relationship you had with Mike Madigan?

21 A That was a very big part of the challenge, of
22 course; yes.

23 Q And did that affect the ability you had to
24 potentially negotiate with him on this deal?

25 A That's -- that's right. Before that -- well, he

1 wasn't talking to me.

2 q Okay.

3 A And so he -- that was -- that -- in the previous
4 session, he -- he wasn't talking to me, and for the
5 most part, and wasn't coming to meetings, he would
6 send surrogates to the budget meetings.

7 It was thawing a little bit during the
8 Democratic Convention and I can't say it was warm,
9 but it wasn't as cold. But there was a mutual
10 mistrust, and all the rest going on, and so I -- I
11 discussed the possibility of reaching out to him,
12 but then I felt that, for different reasons, that
13 was probably not the wise thing to do.

14 q Did you have an idea as far as using Jesse
15 Jackson, Jr. as a possible way to get the deal
16 moving?

17 A I did.

18 q What was that idea?

19 A Jesse Jackson, Jr. was significant in trying to
20 motivate and incentivize the Democratic
21 establishment in Washington: The President Obama's
22 administration; Senator Harry Reid and Senator
23 Menendez, the Democratic Senate Campaign Committee
24 leaders, and Senator Durbin here in Illinois.

25 That for a lot of reasons, my politics would

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1 be heard if I picked Lisa Madigan because of my
2 African-American base and Latino base and other
3 situations. But that, you know, if they -- and so I
4 knew they didn't want Jesse Jackson, Jr., they
5 didn't want me, and they didn't want Emil Jones. I
6 mean, that was my view at that time.

7 And so to verifying degrees, the three of us
8 were sort of negative leverage, that if they had
9 felt that I might make one of three of us a senator,
10 they'd be even more motivated to try to help make
11 this Madigan deal.

12 I needed them to play the of the United
13 Nations, basically, to negotiate a deal between me
14 and Madigan and to monitor it, just to get it done
15 but to actually monitor it.

16 And I wanted them to believe that if they
17 didn't help me do that, then--you know what?-fine,
18 I'll send me, I'll send Emil Jones, or I'll give you
19 Jesse Jackson, Jr. which I know you don't want.

20 q On December 3rd, 2008, did you have a telephone
21 conversation with Harry Reid?

22 A Yes, I did.

23 q Who is Harry Reid?

24 A Harry Reid was and is the leader of the United
25 States Senate. He's the Senate Majority Leader and

1 he's democratic senator from Nevada.

2 q And when you had this conversation with President
3 Reid, did you discuss the Senate seat?

4 A Yes, he called me for that purpose.

5 q And what did you discuss with Harry Reid?

6 A I discussed with Harry Reid that Bill Knapp, my
7 political consultant who I believed worked for Harry
8 Reid, had indicated to me his views on Congressman
9 Jackson.

10 q And what did you understand his views were of
11 Congressman Jackson?

12 A That he didn't want him. And I told him
13 something like, "we have a very active Jesse
14 Jackson, Jr. here and I understand your views on
15 this." And he said something like, "governor, I
16 don't have to say anymore, need I say any more,"
17 something along those lines.

18 He clearly understood that what I said was
19 his sentiment. He said something that was sensitive
20 in that this is, you know, a thankless job you have;
21 you're going to make one person happy, you make
22 everybody else unhappy.

23 He then went on to say that, you know, being
24 the Senate Majority Leader, governors have it
25 tougher because you guys have to actually make

1 decisions, things like that, and you'll make enemies
2 when you make decisions and that we, in the Senate,
3 don't have those kinds of challenges. He was very
4 nice.

5 And then I told him that I had spoken Knapp
6 and Knapp had, I believe my recollection is, had
7 given me Harry Reid's views of things because Bill
8 had, I believe, worked for him. And that I was
9 really sensitive to his situation, his politics, and
10 we'd try to work with him.

11 And I believe I raised the Lisa Madigan
12 situation with him. I'm not 100-percent sure, but I
13 believe I may have.

14 q would something refresh your recollection?

15 A Yes.

16 MR. GOLDSTEIN: May I approach, Your Honor?

17 THE COURT: You may.

18 BY MR. GOLDSTEIN:

19 q Showing you a transcript, Rod.

20 Look through that, and if your memory is
21 refreshed after you look through that, as far as
22 talking about Lisa Madigan to Harry Reid, just look
23 up.

24 (Brief pause).

25

1 BY THE WITNESS:

2 A Uh-huh.

3 BY MR. GOLDSTEIN:

4 Q Is your memory refreshed?

5 A Yes, it is.

6 Q Did you speak to Senate President Reid about Lisa
7 Madigan?

8 A I indicated to Senator Reid a conversation I had
9 with Senator Durbin about Lisa Madigan. And I
10 didn't expressly say "Lisa Madigan" but it was clear
11 my conversation with Durbin was that I could
12 possibly appoint her if I can get the things that I
13 talked about, how much I love the people of Illinois
14 and all the rest, and I was certain that Durbin had
15 passed that along to Harry Reid and he clearly
16 seemed to understand that I was talking about her
17 when I mentioned my conversation with Senator
18 Durbin.

19 Q At this point when you spoke to Harry Reid, had
20 you made any decisions regarding the Lisa Madigan
21 deal?

22 A No, just that it was a gold that was beginning to
23 become even more and more -- it was just looking
24 better and better that this was something I was
25 hoping that I might hopefully be able to decide to

1 do.

2 q Did you ask Harry Reid to do anything in terms of
3 the Lisa Madigan proposal?

4 A I said something to the effect of, you know,
5 let's see how events and things shake out and we'd
6 work with him, and I may have indicated Senator
7 Durbin, and we'll stay in touch, something like
8 that.

9 q In terms of the Lisa Madigan deal, was it
10 important to communicate to Senate President Reid
11 that Jesse Jackson, Jr. was advocating the Senate
12 seat?

13 A It was vital, and because, again, they -- they
14 didn't want Congressman Jackson in the Senate.

15 I can give you my opinions.

16 q When you say "they" who are you talking about?

17 A Harry Reid, I believe Senator Durbin, I believe
18 Rahm Emanuel, notwithstanding what their indications
19 were.

20 I believe the Washington establishment, the
21 Democratic establishment, they wanted a senator who
22 would be reelected easily and they wouldn't have to
23 raise money for, and they felt Congressman Jackson
24 was controversial and could possibly be defeated in
25 the next Senate race.

1 q The negative leverage you talked about, having
2 the possibility of Jesse Jackson, Jr. as an
3 potential candidate, you understood that that would
4 potentially incentivize the people in D.C. to help
5 you with at the Madigan deal, is that right?

6 A I needed the Madigan deal to happen before I
7 appointed her. That was a precondition for me
8 because I didn't trust Michael Madigan that if I
9 made his daughter a senator, he would keep his word.
10 Or I was fearful he would pass it and then he'd get
11 his buddy Cullerton in the Senate to not call it,
12 and that we would have given his daughter the Senate
13 seat and none of those things would've happen for
14 people.

15 That's why I needed the Democratic
16 establishment in Washington, the top people, to be
17 the United Nations and broker this for me and
18 monitor it for me.

19 And I didn't want to take it on faith on a
20 promise "you got to believe Madigan" because then I
21 thought they'd all leave me behind, the Washington
22 people would leave me behind. But if they felt that
23 if that was what was gonna be -- the consequence of
24 that was, then fine, I'll just give you Jesse
25 Jackson, Jr., or me, or Emil Jones, then their

1 political situation would've not been what they
2 wanted.

3 So this would give them an incentive to work
4 even harder to help me get this deal done not on
5 faith, but actually done, and they would be the ones
6 to broker, negotiate, and monitor the deal.

7 q And later that day, on December 3rd, 2008, did
8 you have a conversation with Bob Menendez?

9 A Yes, I did.

10 q Who is Bob or Robert Menendez?

11 A Robert Menendez was the United States Senator
12 from the State of New Jersey. At the time he was
13 the chairman of what is called the Democratic Senate
14 Campaign Committee. So he would be to back what
15 Rahm Emanuel was on the congressional side before.

16 His responsibility was to get Democratic
17 senators reelected and back then have a heavy
18 fundraising component to it around the country. I
19 served with him in Congress, so I knew him.

20 q Do you recall if he called you, he reached out to
21 you or you reached out to him?

22 A I believe he called me.

23 q And did you discuss the Senate seat with Senator
24 Menendez?

25 A I had a long conversation with Senator Menendez

1 about the Senate seat.

2 q what did you discuss with Senator Menendez?

3 A He called and essentially said something similar
4 with what Harry Reid, that he didn't have a dog in
5 the fight, I think that was Harry Reid's phrase.

6 But as my father said something like, if you
7 bought a car, or you don't -- you know, it's one
8 thing to buy the car and now you gotta maintain it:
9 Can you send us a senator that could be maintained.

10 In other words, we want one that would get
11 reelected, okay. We want you to send us someone who
12 is going to be an easy candidate to be reelected and
13 that we don't have to raise money for.

14 And I understood all of that. And he went on
15 to say, and we don't want a placeholder here. I
16 said to him, you mean like in Delaware, which is
17 what happened with Senator Biden's seat --

18 MR. NIEWOEHRER: (Counsel standing.)

19 THE COURT: It's stricken, the Delaware
20 reference.

21 BY MR. GOLDSTEIN:

22 q After you talked about -- or after Senator
23 Menendez talked about the placeholder, what else did
24 you talk about?

25 A I told him that -- I explained my politics, the

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1 political concerns, my African-American base, that I
2 really wanted to appoint an African-American for
3 several reasons. And I mentioned that, I'm sure,
4 Congressman Jackson being active and the rest.

:16PM

5 And then I -- I went on to say, you know,
6 I've got this situation in Illinois with this
7 Democratic House Speaker and I explained who he was
8 and what the dynamic was and what I was facing.

:16PM

9 And then Menendez, as I recall, Senator
10 Menendez, as I recall, jumped in and said, "oh, you
11 mean you're talking about Lisa Madigan"; clearly
12 knew what was going on. And I said yes.

13 Q And when you said yes, did you communicate any
14 further as far as Lisa Madigan?

:17PM

15 A I did. And I said, you know -- I told him -- I
16 explained my fears. I said, I can make her a
17 senator and then you guys are all over there and I'm
18 stuck with this gridlock. If I don't make her
19 senator, this guy has been blocking me. I expressed
20 some personal frustrations, I think.

:17PM

21 And I said, look, if I can get things for
22 people, okay, how much do I love the people of
23 Illinois, am I man enough to make a decision like
24 that, that sort of thing. And, you know, "I don't
25 trust him," something along those lines, I'm not

:17PM

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1 quoting me, I would need some help, I'd like one of
2 you guys being willing to help me do this.

3 q And what did Senator Menendez say to you?

4 A He said they generally don't get involved in, you
5 know, local fights like that but this would be an
6 important one, they think she'd be a candidate that
7 could easily win reelection. Whether he said it or
8 not, he indicated to me raising money -- well, so
9 that they would maybe -- he mentioned Senator

10 Schumer from New York, we would diverge from our
11 common practice and we might be -- we would get --
12 we might be willing to help you put a deal like that
13 together because she would be the kind of candidate
14 they would want. I'm not quoting, but I'm giving
15 you the best possible recollection I can.

16 q Did the topic of Jesse Jackson, Jr. come up with
17 Senator Menendez?

18 A I believe it did.

19 q Would anything help refresh your recollection?

20 A Yes.

21 MR. GOLDSTEIN: May I approach?

22 THE COURT: You may.

23 BY MR. GOLDSTEIN:

24 q Rod, I'm showing you a document. Just look
25 through that document and see if your memory is

1 refreshed as to whether the topic of Jesse Jackson,
2 Jr. was raised.

3 (Brief pause).

4 BY MR. GOLDSTEIN:

5 q Is your memory refreshed?

6 A Yes.

7 q Was Jesse Jackson, Jr.'s name mentioned during
8 this conversation with Senator Menendez?

9 A I don't see it there, no. It was mentioned with
10 Senator Reid.

11 q Later that day on -- well, actually let me just
12 go back with Senator Menendez.

13 Do you recall how the conversation ended with
14 Senator Menendez?

15 A I do. He indicated their willingness to
16 potentially get involved and help on the Madigan
17 deal. I told him, you know, something along the
18 lines of I'll get back to him. I didn't promise or
19 commit to it because I -- I hadn't yet decided I was
20 going to do this, still trying to line up more
21 support, but I was very encouraged by that
22 conversation and essentially told him let me get
23 back to you and, you know, maybe ask you to help.

24 At that point he indicated their willingness
25 to get involved, I indicated my willingness to work

1 with them and explore this and then I would get back
2 to him but I hadn't made the decision yet.

3 q And later that day on December 3rd, 2008, did you
4 have a conversation with John Coley about the Senate
5 seat?

6 A Yes.

7 q Who is John Coley?

8 A He is head of the Teamsters union up in the
9 Chicago area.

10 q Did you have a relationship with John Coley?

11 A He was a supporter, had a good working
12 relationship with him. A union leader that was very
13 helpful to me.

14 q Do you recall if you reached out to Mr. Coley or
15 Mr. Coley reach out to you?

16 A Is there -- I don't know who called who. I May
17 have called him.

18 q And you said you spoke with Mr. Coley about the
19 Senate seat, is that right?

20 A Yes.

21 q And did you discuss Lisa Madigan?

22 A Yes.

23 q What was the discussion about regarding Lisa
24 Madigan with Mr. Coley?

25 A I mentioned to him that, you know, I'm seriously

1 considering the possibility of making Lisa Madigan
2 the senator in exchange for the things I've talked
3 about with her father.

4 He fully understood the relationship between
5 Mike Madigan and me and the politics and, you know,
6 the up and down nature of it. And he was surprised
7 that I would be prepared and willing to possibly
8 make her a senator if I get all these different
9 things done for people.

10 He was very complimentary. Appreciated him
11 calling me a man of character, I remember that. And
12 he thought it was a great idea. He said some, I
13 don't want to get him in trouble, but negative
14 things about Madigan that I probably said it, too.
15 But that this was moving forward. And, again, I
16 think I used that mantra, how much do I love the
17 people of Illinois, can I make a decision like
18 this --

19 MR. SCHAR: Objection; relevance.

20 THE COURT: Yeah. I'm striking that.
21 Instructing the jury to disregard it.

22 BY MR. GOLDSTEIN:

23 Q why did you talk to Mr. Coley about the
24 possibility of Madigan?

25 A Again, John Coley was one of the top labor

1 leaders in Illinois, very active and politically
2 relevant, important, supporters of different
3 political figures.

4 It was important to get the word out that I
5 was interested and prepared to make this decision.
6 I wanted labor leaders to know that I was interested
7 and prepared to make this decision. I wanted to
8 create an environment where it would be harder for
9 Mike Madigan to not do it. I wasn't sure that he
10 was going to do it, but I thought there was a good
11 chance he would.

12 And I was so in love with this idea by that
13 point, I was afraid to make the ask lest he reject
14 me and then what will I do? That would be a really
15 bad scenario I was facing. So I wanted to line up
16 everybody I could before we actually made the
17 decision to go forward and make the ask.

18 q And later that day on December 3rd again, did you
19 have a telephone conversation with Jerry rise door?

20 A I did have a conversation with Jerry Reinsdorf
21 Reinsdorf.

22 q Who is Jerry Reinsdorf?

23 A Jerry Reinsdorf is the owner of the Chicago White
24 Sox.

25 q And were you on speaking terms with Mr.

1 Reinsdorf?

2 A I love the Cubs and I love Jerry Reinsdorf. I
3 love Jerry Reinsdorf. He's a very good man.

4 q And in this conversation with Mr. Reinsdorf, did
5 you discuss the Senate seat?

6 A I had a long conversation with Jerry Reinsdorf --

7 MR. SCHAR: (Counsel standing.)

8 THE COURT: That would be yes or no.

9 THE WITNESS: I'm sorry.

10 Yes, I did.

11 BY MR. GOLDSTEIN:

12 q And in your conversation -- well, first, how long
13 was this conversation with Mr. Reinsdorf,
14 approximately, if you recall?

15 A 15 minutes, approximately, maybe. Maybe
16 20 minutes.

17 q And when you spoke to Mr. Reinsdorf, you spoke
18 about a variety of issues, is that right?

19 A Yes.

20 q Okay. And one of them was the Senate seat?

21 A I think the bulk of the conversation was about
22 the Senate seat.

23 q And did you discuss the idea of Lisa Madigan?

24 A Yes.

25 q And the deal?

1 A Yes.

2 Q Did you discuss potential emissaries or people to
3 go to Mike Madigan to propose this deal?

4 A I did.

5 Q And what did Mr. Reinsdorf tell you?

6 A We discussed Senator Durbin as a potential
7 ambassador to this. We discussed -- we discussed,
8 of course, Rahm Emanuel, and may have discussed
9 Congressman Lipinski. And Congressman Costello, but
10 I don't think so, I think it was Senator Durbin and
11 Rahm Emanuel.

12 Q Who suggested Rahm Emanuel as a potential
13 ambassador?

14 A As best as I recall, I remember telling him how
15 Senator Durbin had offered to help, that he had
16 offered to basically broker this when I spoke to him
17 on either the 24th or 21st of November, it was one
18 of those days that he and I spoke.

19 And I told him at that point wait a little
20 bit, let me just see how this shakes out and whether
21 or not this is real and could happen. So he was
22 basically on hold.

23 I expressed to Jerry Reinsdorf that Senator
24 Durbin had offered to be the go-between. I also
25 expressed to Senator -- to Jerry Reinsdorf that

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1 Senator Durbin, in my judgment, wasn't tough enough
2 or strong enough to deal with Madigan --

3 MR. SCHAR: (Counsel standing.)

4 THE COURT: The objection is sustained.

5 BY MR. GOLDSTEIN:

6 Q Was there an agreement in the sense of who would
7 be the best potential ambassador?

8 A I indicated that I wanted somebody like Rahm,
9 Rahm Emanuel, who I said was a tough kind of guy.

10 He will get it done and won't take it on --

11 THE COURT: Before you go on, the question
12 is, was there an agreement as to who should be the
13 ambassador.

14 THE WITNESS: Yes.

15 BY MR. GOLDSTEIN:

16 Q And what was the agreement?

17 A That we -- that I should reach out to Rahm
18 Emanuel and get him to be the guy to broker the
19 deal.

20 Q And going on to December 4th, 2008, as you were
21 coming into December 4, 2008, had you made any
22 decisions with regards to the Senate seat?

23 A No decisions regarding the Senate seat at any
24 time leading up to December the 4th.

25 Q Is it fair to say, leading up to December 4th,

1 Lisa Madigan was the frontrunner in your mind?

2 A She was the frontrunner, and she was the
3 overwhelming frontrunner.

4 q In the sense that you would have this deal --

5 A On one condition, on the condition that I get the
6 deal, of course.

7 q And --

8 A Absent the deal, she goes from first to last.

9 That is an exaggeration, but --

10 q On December 4th, 2008, did you have a
11 conversation with John Harris about possibly talking
12 to Rahm Emanuel?

13 A Yes, I believed I did.

14 q In this conversation with Mr. Harris, did you
15 discuss presenting the idea of Jesse Jackson, Jr. as
16 a potential candidate to Rahm Emanuel?

17 A Yes.

18 q Why did you want to do that?

19 A Rahm Emanuel had weeks before sent a -- had
20 called Harris and said that there were four
21 candidates that they were interested in, this is
22 post Valerie Jarrett.

23 q When you say "they" who is "they"?

24 A Rahm was reporting that it was him and presumably
25 President Obama, I don't know that for sure, and

1 that the four candidates were Jan Schakowsky,
2 Congressman Jackson, Tammy Duckworth, and the
3 controversial at that time Danny Hynes.

4 q And when these individuals were presented as
5 potential candidates, did you understand that Jesse
6 Jackson was someone that the Obama administration
7 wanted?

8 A Just the opposite. I was quick to point out that
9 I viewed that list of four candidates as a phony,
10 politically correct, cover your back side list, and
11 then we broke it down in terms of the political
12 constituencies of it. And that if you really look
13 closely, that the only --

14 Can I keep going?

15 q Let me ask another question.

16 So Jesse Jackson was one of the four that was
17 on this list?

18 A Right.

19 q You indicated that you understood that pretty
20 much no one wanted Jesse Jackson, Jr. as a Senate
21 candidate?

22 A Yes, those things were said to me and indications
23 were there from the very beginning to the very end.

24 q And you were in agreement with not picking Jesse
25 Jackson, Jr., is that right?

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1 A I was in full agreement with that sentiment. I
2 was never going to pick Jesse Jackson, Jr.

3 Q And when you had this conversation with Mr.
4 Harris, and you told Mr. Harris, is this correct,
5 that you wanted him to speak to Rahm Emanuel and ask
6 Rahm Emanuel if Jesse Jackson was a candidate that
7 the Obama people would be acceptable with?

8 A Yes. In other words, call Rahm and say, "hey, so
9 you guys say you okay with Jesse, Jr., okay fine,
10 maybe we'll start thinking about him, too," that
11 kind of thing.

12 Q Did you want to do that?

13 A Because I knew they didn't want him, they didn't
14 want Emil Jones, and they didn't want me. And I
15 felt like they might think I'm crazy enough to
16 actually do Jesse, Jr., or me, or Emil Jones, if
17 they didn't help me with the Madigan deal. I wanted
18 to put that out there for them to consider.

19 And Congressman Jackson on the politics of it
20 for me was very good. He would help me, you know,
21 with my African-American base shore that up, bring
22 the political network of the Jackson family with him
23 and the political allies that they had, including
24 elected officials and African-American ministers.

25 So he was a very plausible, political reason.

1 He was also number one in the Zogby polls, that made
2 perfect sense. Lisa Madigan received zero percent
3 of the vote in the African-American community in
4 that particular poll.

:31PM 5 So he brought that kind of politics that Rahm
6 would understand was very good to me. They all knew
7 that I used to have a close relationship with him
8 and was close to his father, Reverend Jackson in the
9 past and that we worked together. So all of that
:31PM 10 was plausible and credible, all of that.

11 And I felt if you guys are saying this
12 publicly, then fine, maybe you should think that I
13 might actually do it, but I'd be happy to make this
14 Madigan deal, now help me get it done and let's not
:31PM 15 have promises. We're all democrats, these are good
16 democrat things to help people, get it done, that's
17 what I wanted. And no promises, take it on faith, I
18 wanted to get it done.

19 Q Was your thought regarding throwing Jesse
:31PM 20 Jackson, Jr.'s name out there to Rahm Emanuel a way
21 to get someone back to help you work on the Madigan
22 deal?

23 A That was precisely the motivation behind it, and
24 it would be, yes.

:32PM 25 Q Now, if we can turn to tab 65.

1 MR. GOLDSTEIN: Whenever Your Honor wants a
2 break.

3 THE COURT: Yeah, let me look first.
4 (Brief pause).

5 THE COURT: We'll break now.
6 (The following proceedings were had out of the
7 presence of the jury in open court:)

8 THE MARSHAL: All rise.

9 This court is suspended until 1:30 p.m. this
10 afternoon.

11 (The following proceedings were had out of the
12 presence of the jury in open court:)

13 THE COURT: Recess.
14
15

16 (Luncheon recess taken from 12:33 o'clock p.m.
17 to 1:30 o'clock p.m.)
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I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT

6

FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED

7

MATTER

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/s/Blanca I. Lara

date

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Blanca I. Lara

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Date